

Building Regulations 2006

S.R. No. 68/2006

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STATUTORY RULES 2006

S.R. No. 68/2006

Building Act 1993

Building Regulations 2006

The Governor in Council makes the following Regulations:

Dated: 6 June 2006

Responsible Minister:

ROB HULLS
Minister for Planning

RUTH LEACH
Clerk of the Executive Council

PART 1—PRELIMINARY

Division 1—Introduction

101. 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

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- (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 prescribe matters in relation to the registration of cooling tower systems; and
- (i) to provide for matters relating to the accreditation of building products, construction methods, designs, components and systems connected with building work; and
- (j) to prescribe qualifications and provide for other matters relating to registration of building practitioners; and
- (k) to prescribe fees in respect of matters before the Building Appeals Board, the Building Practitioners Board and the Building Regulations Advisory Committee; and
- (l) to provide for other matters for the purposes of the **Building Act 1993**.

102. Authorising provisions

These Regulations are made under sections 7, 9, 15A, 75H, 261 and 262 of, and Schedule 1 to, the **Building Act 1993**.

103. Commencement

These Regulations come into operation on 13 June 2006.

104. Revocation

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

105. Definitions

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;

"alteration" means construction in relation to an existing building;

"approved" means approved by the relevant building surveyor;

"AS 2118.1—1999" means AS 2118.1—1999 Automatic fire sprinkler systems—Part 1: General requirements, published 5 December 1999, as published from time to time;

"AS 2118.4—1995" means AS 2118.4—1995 Automatic fire sprinkler systems—Part 4: Residential, published 5 April 1995, as published from time to time;

"AS/NZS" followed by a number or a group of numbers accompanied by a reference to a calendar year, means the standard so numbered published jointly by or on behalf of Standards Australia and Standards New Zealand;

"BCA" means the Building Code of Australia;

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

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

"drainage authority" means—

- (a) in relation to any area to which Part X of the **Melbourne and Metropolitan Board of Works Act 1958** applies, the Melbourne Water Corporation; and
- (b) in relation to any other area, the Authority to which Division 3 of Part 10 of the **Water Act 1989** applies for that area;

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

"farm land" means farm land as defined in section 2 of the **Valuation of Land Act 1960**;

"fire performance requirement" means—

- (a) performance requirement BP1.1, DP2, DP3, DP4 or DP6 of Volume One of the BCA (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 Volume One of the BCA; or
- (c) performance requirement P2.1, P2.3.1 or P2.3.2 of Volume Two of the BCA (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 engineer;

"floodplain management authority" means an Authority or Minister to which Division 4 of Part 10 of the **Water Act 1989** applies;

"Form" means a form in Schedule 2;

"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 for the conveyance of hydrocarbons, the Minister responsible for the **Pipelines Act 1967**;

"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;

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

"private open space" means—

- (a) an unroofed area of land; or
- (b) a deck, terrace, patio, balcony, pergola, verandah, gazebo or swimming pool;

"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;

"sewerage authority" means—

- (a) in relation to the metropolis under the **Melbourne and Metropolitan Board of Works Act 1958**, the Melbourne Water Corporation; and
- (b) in relation to a sewerage district under the **Water Act 1989**, the Authority for that district under that Act;

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

"Standards New Zealand" is the trading arm of the Standards Council of New Zealand;

"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" means, in relation to a water district under the **Water Act 1989**, the Authority for that district under that Act.

106. Use of BCA terms

Subject to the Act and to regulation 105, words and expressions used in these Regulations have the same meanings as they have in the BCA.

107. 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.

108. Use of buildings

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

Division 2—Building Code of Australia

109. Building Code of Australia

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

110. Accreditation authority

In the definition of Certificate of Accreditation in the BCA, a State or Territory accreditation authority means the Building Regulations Advisory Committee.

111. Certificates under the BCA

- (1) Clause A2.2 of Volume One of the BCA applies as if a certificate referred to in paragraph (a)(iii) of that clause were a certificate of a prescribed building practitioner under section 238 of the Act complying with regulation 1505 or 1506 (as the case requires).

- (2) Clause 1.2.2 of Volume Two of the BCA applies as if a certificate referred to in paragraph (a)(iii) of that clause were a certificate of a prescribed building practitioner under section 238 of the Act complying with regulation 1505 or 1506 (as the case requires).

112. Classification of buildings

- (1) For the purposes of these Regulations, buildings must be classified as set out in the BCA.
- (2) 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.

113. Fire performance requirements—alternative solutions

Despite anything to the contrary in the BCA, a relevant building surveyor must not determine that an alternative solution complies with a fire performance requirement of the BCA unless the relevant building surveyor—

- (a) either—
- (i) holds the Graduate Certificate in Performance Based Building and Fire Codes from Victoria University of Technology; or
 - (ii) holds a qualification that the Building Practitioners Board considers is equivalent to that Certificate; or
- (b) 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 alternative solution complies with that performance requirement; or

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- (c) relies on a certificate under section 238 of the Act by a registered building surveyor, who did not design the building work, which states that the alternative solution complies with that performance requirement; or
 - (d) relies on a determination of the Building Appeals Board under section 160A of the Act that the alternative solution complies with that performance requirement; or
 - (e) relies on a Certificate of Accreditation issued by the Building Regulations Advisory Committee which states that the alternative solution complies with that performance requirement; or
 - (f) relies on a Certificate of Conformity issued by the Australian Building Codes Board which states that the alternative solution complies with that performance requirement; or
 - (g) relies on a report of the chief officer under regulation 309, which states that the chief officer is satisfied that a satisfactory degree of fire safety is achieved by that alternative solution.
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PART 2—OWNER BUILDERS

201. Information to be contained in application for certificate of consent

For the purposes of section 25C(2)(a) of the Act, an application for a certificate of consent must contain the following information—

- (a) the address of the land on which the domestic building work is to be carried out;
- (b) the name, address and telephone number of the owners of the land;
- (c) a description of the proposed domestic building work;
- (d) if the applicant is not the owner of the land, or if there is more than one owner of the land, a statement by the applicant to the effect that all owners are aware of the application and have authorised the applicant to make the application;
- (e) details of whether or not any building permit of the type described in section 25E(1)(e), 25E(1)(f) or 25E(1)(g) has been issued in the previous 3 years;
- (f) details, if applicable, of any ground upon which the applicant believes that special circumstances exist for the purposes of section 25E(4) of the Act.

202. Application fee for certificate of consent

For the purposes of section 25C(2)(c)(iii) of the Act, the application fee for the issue of a certificate of consent is \$75.

203. Information to be contained in certificate of consent

For the purposes of section 25G 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 that the certificate relates to;
- (c) the address of the land on which the domestic building work is to be carried out;
- (d) the names of all owners of the land.

204. 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 Building Practitioners Board must contain the following information—

- (a) the address of the land on which the domestic building work is to be carried out;
 - (b) the name, address and telephone number of the owners of the land;
 - (c) a description of the proposed domestic building work;
 - (d) if the applicant is not the owner of the land, the name, address and telephone number of the applicant;
 - (e) the date of issue of the certificate of consent.
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PART 3—BUILDING PERMITS

Division 1—Applications

301. Applications for building permits

- (1) An application for a building permit may be in accordance with Form 1.
- (2) The prescribed information to be contained in the application is the information set out in Form 1 (other than the notes).
- (3) An application for a building permit must contain sufficient information to show that the building work will comply with the Act and these Regulations and the relevant provisions of this Part.

302. Application for permit to construct building

- (1) An application for a building permit to construct a building must be accompanied by—
 - (a) 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; and
 - (b) 3 copies of specifications describing materials and methods to be used in the construction; and
 - (c) 3 copies of allotment plans to a scale of not less than 1:500 or other approved scale showing the matters set out in sub-regulation (2); and
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- (d) a statement of the use or intended use of all buildings shown on allotment plans; and
 - (e) a copy of any computations or reports necessary to demonstrate that the building will, if constructed in accordance with the computations and reports, comply with the Act and these Regulations.
- (2) The matters to be shown on an allotment plan are—
- (a) the boundaries and dimensions of the allotment and any relevant easements; and
 - (b) the distance to the nearest intersecting street; and
 - (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 where necessary to show compliance with the Act and these Regulations; and
 - (d) the levels of the allotment, the floors of the building, street drainage channel and stormwater drain; and
 - (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; and
 - (f) the location, dimensions and area of impermeable surfaces covering the allotment if necessary for the purposes of regulation 412; and
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- (g) the location and dimensions of car parking spaces for the purposes of regulation 413; and
 - (h) the location, dimensions and area of private open space for the purposes of regulation 421.
- (3) An application for a building permit to construct a building must also be accompanied by any additional copies of the documents set out in sub-regulation (1) that the building surveyor reasonably requires.

303. Application for permit to alter an existing building

An application for a building permit to alter an existing building must include 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.

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

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- (c) 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; and
 - (d) information showing the position and description of hoardings, allotment boundaries, barricades, temporary crossings, protective awnings and outriggers; and
 - (e) a written description of the demolition or removal procedure; and
 - (f) evidence that the demolisher has the necessary knowledge, experience, equipment and storage facilities to properly conduct the demolition operations.
- (2) 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 sub-regulation (1) that the relevant building surveyor reasonably requires.

305. Additional information to accompany application for permit to construct or alter

Without limiting any of his or her powers under the Act, the relevant building surveyor may also require the following additional information to be submitted in relation to an application for a building permit to construct a building—

- (a) details of measures for the protection of the public under regulation 604; and

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- (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 Volume One of the BCA or clause 1.2.2 of Volume Two of the BCA; and
 - (c) a survey plan of existing site conditions prepared by a licensed surveyor; and
 - (d) if the allotment is under the **Transfer of Land Act 1958**, a copy of the certificate of title to the allotment; and
 - (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 respect of the allotment; and
 - (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 Building Practitioners Board under the Act or is an architect registered under the **Architects Act 1991** or is an insured architect (as the case requires); and
 - (g) details as to whether the allotment is in an area—
 - (i) that is liable to flooding within the meaning of regulation 802; or
 - (ii) that is designated under regulation 803 as an area in which buildings are likely to be subject to attack by termites; or
 - (iii) that is a designated bushfire prone area determined under regulation 804; or
 - (iv) that is an area determined under regulation 805 to be likely to be subject to significant snowfalls; or
 - (v) that is designated land or works within the meaning of regulation 806; and
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- (h) details as to whether an approved building envelope within the meaning of Part 4 applies to the allotment or to an adjoining allotment.

306. Exemption for stage of building work

The relevant building surveyor may exempt an application for a building permit in respect of a stage of building work from any requirement of regulations 302 to 305 which the relevant building surveyor considers is not necessary or not appropriate to that stage.

307. Time limits—applications for building permits

The time limits set out in Schedule 3 apply in relation to applications for building permits.

Division 2—Reporting Authorities

308. Prescribed reporting authorities and prescribed matters

- (1) For the purposes of an application for a building permit the following are prescribed reporting authorities—
- (a) the chief officer;
 - (b) a council;
 - (c) an electricity supply authority.
- (2) For the purposes of an application for a building permit—
- (a) a matter set out in column 2 of Part 1 of Schedule 4 is a prescribed matter in relation to the chief officer;
 - (b) a matter set out in column 2 of Part 2 of Schedule 4 is a prescribed matter in relation to a council;

- (c) a matter set out in column 2 of Part 3 of Schedule 4 is a prescribed matter in relation to an electricity supply authority.

309. 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 hydrants;
 - (b) fire hose reels;
 - (c) fire control centres or fire control rooms;
 - (d) fire precautions during construction;
 - (e) fire mains;
 - (f) control valves;
 - (g) booster assemblies;
 - (h) emergency vehicle access;
 - (i) fire indicator panels;
 - (j) proscenium curtain drencher systems;
 - (k) fire services controls in passenger lift cars.
- (2) In a report under sub-regulation (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.

310. 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 that service authority.
- (2) This regulation does not apply to implied easements under the **Subdivision Act 1988**.
- (3) In this regulation "**service authority**" means—
 - (a) a council;
 - (b) a drainage authority;
 - (c) the relevant electricity supply authority;
 - (d) the relevant gas supply authority;
 - (e) a sewerage authority;
 - (f) a water supply authority.

Note: Section 148 of the **Water Act 1989** prohibits a person from building a structure or placing any filling within 1 metre laterally of any works of an Authority without a consent of that Authority.

311. 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.

312. Maximum fees for report and consent

- (1) The maximum fee payable for the consideration by a reporting authority of an application for a building permit referred to it under section 29A of the Act for report and consent is \$50.
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- (2) The maximum fee payable for the consideration by the relevant council of an application for a building permit referred to it under Part 4, 5 or 8 of these Regulations or under regulation 604(4) for report and consent is \$200.
- (3) The maximum fee payable for the consideration by the relevant council of an application for a building permit referred to it under regulation 610(2) for report and consent is \$50.

Division 3—Building Permits

313. Issue of building permit

- (1) A building permit must be in the form of Form 2.
- (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 time limits for commencement and completion of the building work in accordance with regulation 315; and
 - (b) the mandatory notification stages for that building work in accordance with regulation 901.

314. Building surveyor to provide copy of permit

- (1) When a building permit is issued, the relevant building surveyor must within 7 days forward to the applicant with 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.

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- (2) When a building permit is issued to a person other than the owner of the allotment, the relevant building surveyor must within 7 days also forward a copy of the permit to the owner.

315. Commencement and completion of work

- (1) If a building permit is issued, the building work—
- (a) must commence—
 - (i) 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; and
 - (ii) in any other case within 12 months of the date of issue of the building permit; and
 - (b) must be completed—
 - (i) within 6 months after the building work commences in the case of a swimming pool or spa, or any barrier or safety equipment associated with a swimming pool or spa; or
 - (ii) within 24 months of the date of issue of the building permit in the case of any other Class 1 or 10 building; or
 - (iii) within 12 months of the date of issue of the building permit in the case of a permit to re-erect a building; or
 - (iv) within 36 months of the date of issue of the building permit in any other case.
- (2) If a building permit is issued for a stage of building work a reference in sub-regulation (1)(b) to the issue of a permit is deemed to be a reference to the issue of the building permit for the first stage of the building work.
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- (3) A building permit lapses if the building work authorised by that permit has not commenced or is not completed within the periods specified in sub-regulation (1).
 - (4) The relevant building surveyor may extend the period within which any building work is required to be commenced or completed under sub-regulation (1) prior to the lapse of the permit if the relevant building surveyor considers that the extent of the building work warrants an extension.

316. 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, unless that person is the applicant.

317. Provision and display of permit information

- (1) A person who is in charge of the carrying out of building work on an allotment must take all reasonable steps to 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 concerned while the building work for which the building permit was issued is in progress.

Penalty: 10 penalty units.

- (2) A person who is in charge of the carrying out of building work on an allotment must—
 - (a) take all reasonable steps to ensure that—
 - (i) the registration numbers and contact details of the builder and building surveyor; and

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

are displayed on the allotment in a conspicuous position accessible to the public prior to the commencement of building work (including demolition or removal of a building on the allotment); and

- (b) take all reasonable steps to ensure that a copy of that information continues to be so displayed and remains visible and legible for the duration of the building work to which the permit applies.

Penalty: 10 penalty units.

318. Owner to notify change of owner or builder

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

Penalty: 10 penalty units.

Division 4—Duties of Building Surveyor

319. 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;

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- (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 of the Building Appeals Board;
 - (h) a determination of the relevant building surveyor under the BCA that an alternative solution complies with a performance requirement of the BCA together with any computations or reports relied upon by the relevant building surveyor in making the determination;
 - (i) a report and consent of a reporting authority referred to in regulation 308;
 - (j) a determination of the municipal building surveyor or a private building surveyor under regulation 502;
 - (k) an exemption given by the municipal building surveyor or a private building surveyor under regulation 503;
 - (l) a document setting out any requirement of the relevant building surveyor under regulation 604 to take precautions to protect the safety of the public;
 - (m) a consent of the relevant building surveyor under regulation 608;
 - (n) a consent of the relevant building surveyor under regulation 609;
 - (o) an exemption given by the municipal building surveyor or a private building surveyor under regulation 1011;
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- (p) any document required by the relevant building surveyor under clause 2 of Schedule 2 of the Act or regulation 305.

Note: The documents required to be given to the relevant council by the relevant building surveyor under regulation 319(1) are in addition to the documents that he or she must give to the council under section 30(1) of the Act.

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

320. Lodgement fees

For the purposes of section 30(2) of the Act and clause 1(d) of Schedule 2 to the Act, the prescribed lodgement fee for building work with a cost of \$5000 or more is \$30.

321. Building permit levies

- (1) If the relevant building surveyor receives an amount of levy under section 201 of the Act in respect of an application for a building permit the relevant building surveyor must—
- (a) record the date and amount of levy received; and
 - (b) within 7 days after the end of each month pay into the Building Administration Fund all amounts of levy received for building permits issued during that month; and
 - (c) within 7 days after the end of each month forward to the Commission, in a form approved by the Commission, the information set out in sub-regulation (2).
- (2) For the purposes of section 201(7) of the Act, in addition to the information set out in sections 201(7)(d)(i) and 201(7)(d)(ii) of the Act, the following information is required to be given to

the Commission in respect of each building permit issued during the month—

- (a) details of the permit;
- (b) details of the property in respect of which the permit is issued;
- (c) details of the ownership of that property;
- (d) details of the building work for which the permit is issued;
- (e) details of any builder engaged in the building work;
- (f) details of any draftsman or architect engaged to prepare documents for the building work;
- (g) details of any relevant planning permit;
- (h) details of the cost of the building work.

322. Permit details

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

- (a) details of permits and certificates of final inspection issued by that relevant building surveyor during that month; and
- (b) details to the knowledge of the relevant building surveyor of—
 - (i) any building work that is commenced, completed or abandoned during that month; or
 - (ii) any building permit that lapses during that month.

323. 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) The amount of the bond or guarantee referred to in section 22 of the Act—
 - (a) in the case of the demolition or removal of a building, must not exceed the lesser of—
 - (i) the estimated cost of carrying out the work authorised by the building permit; or
 - (ii) \$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 carrying out the work authorised by the building permit; or
 - (ii) \$5000.

Division 5—Duties of Council

324. Period that documents must be kept

- (1) 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, the documents must be kept as follows—
 - (a) in their original form for not less than 10 years from the date of issue of the occupancy permit or certificate of final inspection; and
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- (b) after that period in their original form or in any other manner specified by the Keeper of Public Records (within the meaning of the **Public Records Act 1973**) until the building is demolished or removed from the allotment.
- (2) If an occupancy permit or certificate of final inspection has not been issued in respect of a building or building work, a period referred to in sub-regulation (1) begins on the date of issue of the building permit for the building or work.
- (3) Sub-regulation (1)(b) does not apply in respect of a Class 1a or 10 building if the occupancy permit or certificate of final inspection was issued before 14 June 2005.

Note: The **Public Records Act 1973** also imposes requirements on the keeping of public records.

325. Council to make documents available

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 respect of the building or land.

326. Requests for information

- (1) Any person may request the relevant council to provide in respect of 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 statement issued under regulation 502 or 503 of these Regulations; and

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- (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 respect of any building or land details as to whether the building or land is in an area—
- (a) that is liable to flooding within the meaning of regulation 802; or
 - (b) that is designated under regulation 803 as an area in which buildings are likely to be subject to attack by termites; or
 - (c) that is determined under regulation 804 to be a designated bush fire prone area; or
 - (d) that is an area determined under regulation 805 to be likely to be subject to significant snowfalls; or
 - (e) of designated land or works within the meaning of regulation 806.
- (3) An owner or mortgagee of a building or land, or a prescribed building practitioner under section 137B of the Act, may request the relevant council to provide inspection approval dates of the mandatory notification stages for building work carried out on that building or land.

327. Fees for requests for information

The fee for the provision of information under regulation 326(1), 326(2) or 326(3) is \$40.

PART 4—SITING

Division 1—Introduction

401. Application

- (1) This Part is subject to section 11 of the Act.
- (2) 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.
- (3) Section 188A of the Act applies to applications for building permits to which this Part applies.

402. Definitions

In this Part—

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

- (a) are in a planning permit for the subdivision of land issued under the **Planning and Environment Act 1987** on or after 1 July 1994; and
- (b) are—
 - (i) 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 a restriction (on a plan of subdivision 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;

"fence" includes—

- (a) a screen; or
- (b) a structure similar to a fence.

403. References to planning schemes

A reference in this Part or Schedule 5 to a planning scheme is a reference to a planning scheme made under the **Planning and Environment Act 1987** as that planning scheme is in force from time to time.

404. What is an existing building?

In this Part, a reference to an existing building (including an existing dwelling) in relation to an adjoining allotment, is a reference to any part of a building on the adjoining allotment—

- (a) that was in existence in its current form before 1 July 1994 (unless it had not been completed before that date); or
- (b) for which there is an occupancy permit that has been given to the relevant council; or
- (c) for which there is a certificate of final inspection that 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 that part of the building can be occupied without the need for an occupancy permit or a certificate of final inspection).

405. What is a single dwelling?

For the purposes of the definition of "single dwelling" in section 188A of the Act, a Class 1 building and a Class 10 building associated with a Class 1 building are specified classes of building.

406. Exception concerning approved building envelopes

- (1) The report and consent of the relevant council is not required in relation to a design in respect of an allotment where the design does not comply with a regulation in this Part if—
 - (a) an approved building envelope applies to the allotment and deals with a siting matter that is regulated by that regulation; and
 - (b) the design of the building is consistent with all the siting matters dealt with by the approved building envelope that are regulated by this Part.
- (2) If an adjoining allotment is not subject to the same agreement or is not shown on the same certified plan of subdivision, sub-regulation (1) does not apply to regulations 414, 415, 416, 417, 418, 419, 425, 426, 428, 429 and 430 to the extent that they relate to that adjoining allotment.

Division 2—Single Class 1 Buildings and Associated Class 10 Buildings

407. Application of Division

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

408. Maximum street setback

- (1) A new Class 1 building, other than an alteration, must not be set back from the front street alignment more than one-third of the depth of the allotment.
- (2) This regulation does not apply to an allotment equal to or greater than 0.40469ha.
- (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.

409. Minimum street setbacks

- (1) If—
 - (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and
 - (b) the 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 in respect of that street alignment in the Schedule to that zone in the planning scheme.

- (2) If sub-regulation (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 409.

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TABLE 409—STREET SETBACKS

<i>Adjoining development context</i>	<i>Minimum setback from front street alignment</i>	<i>Minimum setback from a side street alignment</i>
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 9m, 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
<u>Corner allotment</u> 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

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<i>Adjoining development context</i>	<i>Minimum setback from front street alignment</i>	<i>Minimum setback from a side street alignment</i>
<u>Corner allotment</u>	6m for a building facing a declared road	2m
If there is no building on the adjoining allotment facing the same street	4m for a building facing any other street	

- (3) The following may encroach into the setback distance required by sub-regulation (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 419(5)(d) or 419(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).

410. Building height

- (1) If—
- (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and
 - (b) the Schedule to that zone in the planning scheme specifies a maximum height for buildings—
- the height of a building on that allotment must not exceed the relevant height specified in the Schedule to that zone in the planning scheme.
- (2) If sub-regulation (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 415, and despite regulation 414, 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.

411. Site coverage

- (1) If—
- (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and
 - (b) the 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 the Schedule to that zone in the planning scheme.

- (2) If sub-regulation (1) does not apply, buildings must not occupy more than 60% of an allotment.
- (3) When calculating site coverage under sub-regulation (1) or (2), eaves, fascia and gutters not exceeding 600mm in total width, unroofed swimming pools, unroofed terraces, unroofed patios, unroofed decks and pergolas may be disregarded.
- (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.

412. Permeability

- (1) If a building is to be constructed on an allotment, not more than 80% of the area of the allotment can be covered by impermeable surfaces.
- (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.

413. 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 sub-regulation (2), if the 2 required car parking spaces adjoin each other in a garage or carport or in a space constrained by walls, the double 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 in which case the number 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.

414. Side and rear setbacks

- (1) If—
 - (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and
 - (b) the 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 the Schedule to that zone in the planning scheme.

- (2) If sub-regulation (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 414.

TABLE 414—SIDE AND REAR SETBACKS

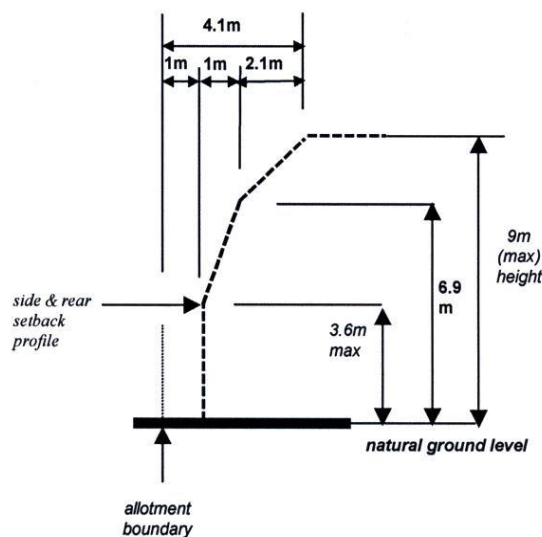
<i>Building height at any point</i>	<i>Minimum setback from side or rear boundary at that point</i>
3·6m or less	1m
More than 3·6m but not more than 6·9m	1m plus an additional distance calculated at the rate of 300mm for every metre of height over 3·6m
More than 6·9m	2m plus an additional distance calculated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

- (3) The following may encroach into the setback distance required by sub-regulation (1) or (2) by not more than 500mm—
- (a) porches and verandahs;
 - (b) masonry chimneys;
 - (c) sunblinds;
 - (d) screens referred to in regulation 419(5)(d) or 419(6);
 - (e) flues and pipes;
 - (f) domestic fuel tanks and water tanks;
 - (g) heating and cooling equipment and other services.

- (4) The following may encroach into the setback distance required by sub-regulation (1) or (2)—
- (a) landings with an area of not more than 2m^2 and less than 1m high;
 - (b) unroofed stairways and ramps;
 - (c) pergolas;
 - (d) shade sails;
 - (e) eaves, fascia, gutters not more than 600mm in total width;
 - (f) carports (subject to regulation 415).
- (5) This regulation does not apply to a wall that complies with regulation 415.
- (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 414.

Regulation 414: Side and rear setbacks



415. Walls on boundaries

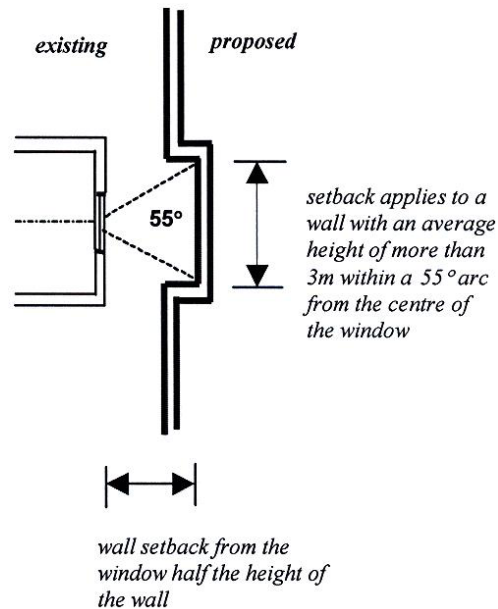
- (1) This regulation applies to the construction of—
 - (a) a wall on or within 150mm of a side or rear boundary of an allotment; or
 - (b) a carport constructed on or within 1m of a side or rear boundary of an allotment and which is open on the side facing the boundary or boundaries.
 - (2) The length of the wall, or of the carport, or of the wall and carport or that length combined with the length of any existing wall or carport, must 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 existing wall or carport constructed on an adjoining allotment which is within 150mm of the boundary of that allotment if the proposed construction abuts the existing wall or carport.
 - (3) The wall or carport must not exceed—
 - (a) an average height of 3m; and
 - (b) a maximum height of 3.6m.
 - (4) Despite sub-regulation (3), if a wall or carport abuts an existing wall or carport it may be constructed to the same height as that wall or carport.
 - (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.
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416. 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 sub-regulation (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 sub-regulation (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 sub-regulation (3) is above ground floor level, then for the purposes of that sub-regulation, 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 416(3).

Regulation 416: Daylight to existing windows



417. 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 habitable room window or part of a window of an existing dwelling on an adjoining allotment is within 3m of a boundary of the allotment on which the building is to be constructed; and
 - (c) the window is orientated towards the boundary.

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- (2) The proposed building must be set back from the boundary not less than the distance specified in Table 417 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 417—SETBACKS FROM NORTH-FACING WINDOWS

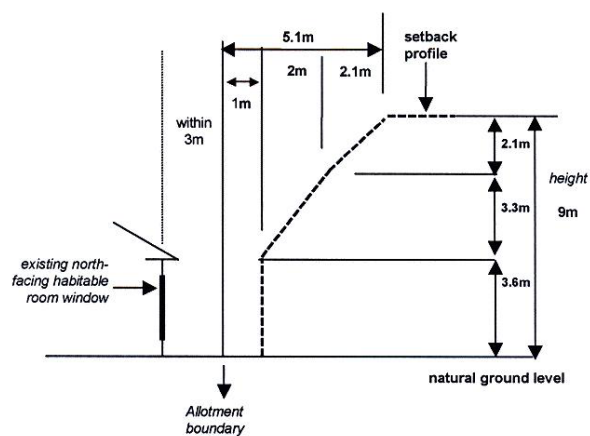
<i>Building height at any point</i>	<i>Minimum setback from side or rear boundary at that point</i>
3·6m or less	1m
More than 3·6m but not more than 6·9m	1m plus an additional distance calculated at the rate of 600mm for every metre of height over 3·6m
More than 6·9m	3m plus an additional distance calculated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

- (3) For the purposes of sub-regulation (1), a north-facing window is a window with an axis perpendicular to its surface orientated north 20° west to north 30° east.
- (4) In this regulation "**north**" means true north.
- (5) The following may encroach into the setback distance required by sub-regulation (1) or (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.

- (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 417.

Regulation 417: Solar access to existing north-facing habitable room windows



418. 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 sub-regulation (1), the amount of sunlight to that area must not be further reduced by the construction of the building.

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- (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.
- (5) In this regulation "**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.

419. 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.

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- (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 sub-regulation (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
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- (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 sub-regulation (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 sub-regulation (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;
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"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.

420. 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 sub-regulation (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.
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421. Private open space

- (1) If—
- (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and
 - (b) the 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 the Schedule to that zone in the planning scheme.
- (2) If sub-regulation (1) does not apply, a Class 1 building on an allotment must have private open space of not less than 80m² or 20% of the area of the allotment, whichever is the lesser.
- (3) For the purposes of this regulation, the private open space must include an area at the side or rear of the building—
- (a) that is at least 25m² with a minimum dimension of 3m; and
 - (b) that has convenient access from a habitable room (other than a bedroom).
- (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.

Division 3—Siting of Class 10a buildings

422. Siting of Class 10a buildings

- (1) Unless otherwise approved under the **Subdivision Act 1988** or any corresponding previous enactment, a Class 10a building must be on the same allotment as a building of another class to which it is appurtenant.
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- (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 that does not comply with sub-regulation (1).

Division 4—Class 10b Buildings

423. Application of Division

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

424. Front fence height

- (1) If—
- (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and
 - (b) the 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 the Schedule to that zone in the planning scheme.

- (2) If sub-regulation (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 that allotment must not exceed the relevant maximum height specified in Table 424.

TABLE 424—FRONT FENCE HEIGHTS

<i>Street type</i>	<i>Maximum fence height</i>
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.

425. Fence setbacks from side and rear boundaries

- (1) A fence exceeding 2m in height must be set back from a side or rear boundary (including a boundary that is a side or rear street alignment) not less than the distance specified in respect of that boundary in Table 425.

TABLE 425—SIDE AND REAR SETBACKS

<i>Fence height at any point</i>	<i>Minimum setback from side or rear boundary at that point</i>
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) This regulation does not apply to a fence that complies with regulation 426.
- (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.

426. Fences on or within 150mm of side or rear boundaries

- (1) The total length of fences that are more than 2m in height and that are constructed on, or within 150mm of, a side or rear boundary of an allotment, or that total length combined with the length of any wall, or carport, or wall and carport constructed in accordance with regulation 415(2), must 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 regulation must not exceed—
 - (a) an average height of 3m; and
 - (b) a maximum height of 3.6m along the boundary.
- (3) Despite sub-regulation (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—
 - (a) constructed on or within 150mm of a boundary that is a side or rear street alignment; or

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- (b) provided to comply with regulation 419 or with a planning scheme that regulates the same matter as regulation 419 and—
- (i) is not more than 2.5m in height; and
 - (ii) 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.

427. Fences on street alignments

- (1) Despite regulation 425(1), the report and consent of the relevant council must be obtained to an application for a building permit to construct a fence within 9m of a point of intersection of street alignments and exceeding a height of 1m above the footpath.
- (2) A fence adjacent to a street alignment or public open space must not contain barbed wire or other sharp protrusions unless—
- (a) despite regulation 425(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 at a height of at least 2m above the level of the street or public open space.

428. 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 sub-regulation (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 sub-regulation (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 sub-regulation (3) is above ground floor level, then for the purposes of that sub-regulation, 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.

429. 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 habitable room window or part of a window of an existing dwelling on an adjoining allotment is within 3m of a boundary of the allotment on which the fence is to be constructed; and
 - (c) the window is orientated towards the boundary.
- (2) The proposed fence must be set back from the boundary not less than the distance specified in Table 429 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 429—SETBACKS FROM NORTH-FACING WINDOWS

<i>Fence height at any point</i>	<i>Minimum setback from side or rear boundary at that point</i>
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) For the purposes of sub-regulation (1), a north-facing window is a window with an axis perpendicular to its surface orientated north 20° west to north 30° east.

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- (4) In this regulation "**north**" means true north.
 - (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.

430. 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 sub-regulation (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.

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- (5) In this regulation "**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.

431. Masts, poles etc.

The report and consent of the relevant council must be obtained to an application for a building permit to construct a mast, pole, aerial, antenna, chimney, flue, pipe or other service pipe which—

- (a) when attached to a building, exceeds a height of 3m above the highest point of the roof of the building; or
 - (b) when not attached to a building, exceeds 8m above ground level.
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PART 5—ALLOTMENTS AND PROJECTIONS

Division 1—Allotments

501. Application

This Division applies to all buildings whenever constructed.

502. Combined allotments

- (1) The municipal building surveyor may by statement in writing determine that two or more contiguous allotments or an allotment and adjoining land can be treated as one allotment for the purposes of these Regulations.
 - (2) In deciding whether to issue a statement under sub-regulation (1) the municipal building surveyor must take into account—
 - (a) the structural adequacy of any building to which the statement 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 statement applies; and
 - (ii) avoiding the spread of fire to or from any adjoining building.
 - (3) Land to which a statement under sub-regulation (1) applies is deemed to be an allotment for the purposes of these Regulations.
 - (4) The municipal building surveyor may revoke a statement under sub-regulation (1) if there is a change of circumstances that would significantly affect any of the matters referred to in sub-regulation (2).
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- (5) A private building surveyor may exercise the powers of the municipal building surveyor under sub-regulations (1), (2) and (4) in the case of building work for which the private building surveyor has been appointed to issue a building permit.

503. Subdivision of existing buildings

- (1) Subject to regulation 608 if an existing building is subdivided, each building resulting from the subdivision must be brought into conformity with these Regulations.
- (2) The municipal building surveyor may by statement in writing exempt a building from all or any of the requirements of sub-regulation (1).
- (3) In deciding to issue a statement under sub-regulation (2) the municipal building surveyor must take into account—
- (a) the structural adequacy of any building to which the statement 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 statement applies; and
 - (ii) avoiding the spread of fire to or from any adjoining building.
- (4) A private building surveyor may exercise the powers of the municipal building surveyor under sub-regulations (2) and (3) in the case of building work for which the private building surveyor has been appointed to issue a building permit.
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Division 2—Projections

504. Projections beyond the street alignment

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

505. Architectural features

- (1) An architectural feature or similar part of a building must not project beyond the street alignment—
 - (a) if the street is 6m or less in width; and
 - (b) more than 600mm in any street more than 6m but not exceeding 10m in width; and
 - (c) more than 1.2m in any street more than 10m in width; and
 - (d) at any height less than 2.7m above the level of the footpath; and
 - (e) unless it is constructed of non-combustible material.
- (2) Despite sub-regulation (1), if a street is 6m or less in width and is without a footpath, a kerb or buffer block not more than 240mm in height above the street level may project not more than 240mm beyond the street alignment.

506. Windows and balconies

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

- (a) more than 1m; and
 - (b) in any street less than 10m in width; and
 - (c) at a height less than 3m above the level of the footpath; and
 - (d) within 1.2m of the side boundary of an adjoining allotment.
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507. Verandahs

A verandah must not project beyond the street alignment—

- (a) unless it is set back not less than 750mm from the kerb; and
- (b) at a height less than 3m above the level of the footpath.

508. Sunblinds and awnings

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

- (a) more than 2·4m; and
- (b) at any height less than 2·4m above the level of the footpath.

509. Service pipes and rainwater heads

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

- (a) more than 200mm in the case of a service pipe; and
- (b) more than 300mm in the case of a rainwater head or service installation; and
- (c) at any height less than 2·7m above the level of the footpath.

510. Window shutters

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

511. Signs

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

- (a) unless it is set back not less than 750mm from the kerb; and
- (b) at any height less than 2·7m above the level of the footpath.

512. 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 meters, electrical equipment, water connections, fire equipment or other similar equipment.

513. 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 if it projects beyond the street alignment at a different height or distance to that specified in this Division—
 - (a) an architectural feature or similar part of a building;
 - (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;
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- (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 sub-regulation (1) would project beyond the street alignment.
- (3) The relevant council may give its consent under sub-regulation (1) or (2) if it considers that this will not be detrimental to the safety of the public.
- (4) The report and consent of the relevant council under sub-regulation (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 the part of the building beyond the street alignment.

514. Footings adjoining boundaries are permissible

A footing may—

- (a) support a party wall; and
- (b) extend beyond the boundaries of a street alignment—
 - (i) to a distance of not more than 300mm if the highest projecting part of the footing is at a depth of not less than 450mm but less than 3m below the ground level; or

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- (ii) to a distance of not more than 1m where the highest projecting part of the footing is at a depth of 3m or more below the ground level.

Division 3—Buildings Above or Below Certain Public Facilities

515. Buildings above or below certain public facilities

- (1) This Division does not apply to an item to which Division 2 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.
-

PART 6—BUILDING WORK

Division 1—General Provisions

601. 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 sub-regulation (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 under sub-regulation (1) must be carried out by a Registered Testing Authority or an approved person or organisation.

602. Protection of adjoining property

- (1) Protection work must be provided in respect of an adjoining property, before and during the carrying out of any building work, if required by the relevant building surveyor.
- (2) The notice required to be served by the owner on the adjoining owner by section 84 of the Act may be in accordance with Form 3 and must be accompanied by 3 copies of the notice required to be given by the adjoining owner to the owner under section 85 of the Act.

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- (3) For the purposes of section 84(2) of the Act—
- (a) the prescribed details of the proposed building work are the relevant details set out in Form 3 (other than the notes); and
 - (b) the prescribed details of the proposed protection work are the relevant details set out in Form 3 (other than the notes); and
 - (c) the other prescribed information is any information set out in Form 3 (other than the notes) that is not a prescribed detail under paragraph (a) or (b).
- (4) 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 may be in accordance with Form 4.
- (5) The prescribed information to be contained in a notice under section 85 of the Act is the information set out in Form 4 (other than the notes).
- (6) A written notice of determination by the relevant building surveyor under section 87 of the Act must include—
- (a) 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
 - (b) the prescribed appeal period under regulation 1601 that applies in respect of that right of appeal.
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603. Exceptions to carrying out protection work

Despite regulation 602(1), an owner is not required to carry out protection work in respect of an adjoining property before the carrying out of building work if—

- (a) no buildings are to be erected or building work is to be carried out or equipment is to be used on, over, under, or in the air space of the adjoining property; and
- (b) before commencing the building work the owner provides the relevant building surveyor with—
 - (i) a 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, certifying that the structural design of the building work complies with the Act and these Regulations; and
 - (ii) a further 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
- (c) the relevant building surveyor is satisfied that the building work will not adversely affect the stability of, or cause damage to, the adjoining property; and

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- (d) before carrying out the building work, the owner provides the adjoining owner with a copy of the certificates provided under paragraph (b), and all documents referred to in the certificates.

604. 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.

605. 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.

606. 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
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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 sub-regulation (1).

Penalty: 10 penalty units.

- (3) Sub-regulation (1) does not apply if the owner of the allotment is required to provide protection work in respect of an adjoining property under regulation 602(1).

607. 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 published 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 sub-regulation (1) if the relevant building surveyor is of the opinion that the nature of the demolition work does not warrant those measures.

608. Alterations to buildings

- (1) This regulation applies to alterations to an existing building.
- (2) Subject to this regulation and to regulation 609, building work to alter an existing building must comply with these Regulations.
- (3) If the proposed alterations, together with any other alterations completed or permitted within the previous 3 years, represent more than half the original volume of the building the entire building must be brought into conformity with these Regulations.
- (4) The relevant building surveyor may consent to partial compliance with sub-regulation (2) or (3).

Note: The relevant building surveyor, when deciding whether to give a consent under sub-regulation (4), is subject to clause 7 of Schedule 2 to the Act, which provides that he or she must consider any report of a reporting authority before deciding the application and that he or she must implement the recommendations of a prescribed reporting authority in relation to a prescribed matter.

- (5) In determining whether to consent to partial compliance with sub-regulation (2) or (3) 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.

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- (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; or
 - (b) 1000m².

609. Alterations affecting exits and paths to exits

- (1) If a proposed alteration to a Class 2, 3, 4, 5, 6, 7, 8 or 9 building would adversely affect any exit or path of travel to an exit, the building must comply with Section D of Volume One of the BCA.
- (2) The relevant building surveyor may consent to partial compliance with sub-regulation (1).
- (3) In determining whether to consent to partial compliance with sub-regulation (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.

610. 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.
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Division 2—Special Provisions

611. Extension of non-complying external wall

Despite any other provision in these Regulations to the contrary, 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 Volume Two of the BCA.

612. 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.

Penalty: 10 penalty units.

613. Branding of timber

- (1) Despite performance requirement BP1.1 of Volume One and performance requirement P2.1 of Volume Two of the BCA, 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—

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- (i) AS 2082—2000 Timber—Hardwood—
Visually stress-graded for structural
purposes, published 7 March 2000, as
published from time to time;
 - (ii) AS 2858—2004 Timber—Softwood—
Visually graded for structural purposes,
published 14 April 2004, as published
from time to time;
 - (iii) AS/NZS 1748:1997 Timber—Stress-
graded—Product requirements for
mechanically stress-graded timber,
published 5 November 1997, as
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 as published from time to
time; and
 - (iii) the stress grade or stress grade colour in
accordance with AS 1613—2005
Timber—Colours for marking
F-grades, published 13 September
2005, as 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—1997 Timber Structures—
Part 1: Design Methods, published
5 November 1997, as published from time
to time; or
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- (d) which has been previously used, but which in the opinion of the relevant building surveyor is suitable to be used for structural purposes.
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PART 7—BUILDING WORK—SAFETY REQUIREMENTS

Division 1—Existing Swimming Pools and Spas

701. 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 an allotment being purchased under a terms contract (as defined in section 2 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 allotment; and
- (b) in the case of a swimming pool or spa on any other allotment, the owner of that allotment.

702. Application of this Division

- (1) This Division applies to a swimming pool or spa—
 - (a) on an allotment containing a Class 1, 2, 3 or 10 building or a Class 4 part of a building where the swimming pool or spa is appurtenant to that building; and
 - (b) capable of containing a depth of water exceeding 300mm; and
 - (c) constructed, or for which building approval was granted, before 8 April 1991.
 - (2) Despite sub-regulation (1), this Division does not apply to a swimming pool or spa on an allotment containing a Class 2 or 3 building or a Class 4 part of a building until 14 June 2006.
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703. Requirement for barriers

The owner of a 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 allotment or building 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 704; and
 - (ii) any openable part of any window in the wall complies with regulation 705;
- (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 published 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 704.

Penalty: 50 penalty units.

704. Requirements for doors or gates

For the purposes of regulations 703(a)(i) and 703(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.

705. Requirements for windows in walls used as barriers

For the purposes of regulation 703(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—Fire Safety in Certain Existing Residential Buildings

706. 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 (as defined in section 2 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.

707. Self contained smoke alarms

- (1) Subject to sub-regulation (6), this regulation applies to any Class 1, 2 or 3 building or Class 4 part of a building constructed or for which a building approval or building permit was granted prior to 1 August 1997.
- (2) A self contained smoke alarm complying with AS 3786—1993 Smoke alarms, published 13 April 1993, as published from time to time must be installed in each dwelling or sole-occupancy unit (which is or forms part of a building to which this regulation applies) in appropriate locations on or near the ceiling of every storey of the dwelling or sole-occupancy unit.

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- (3) The appropriate locations referred to in sub-regulation (2) must be as determined in accordance with Practice Note 2006-27 issued by the Building Commission in May 2006.
- (4) This regulation must be complied with by the owner of the dwelling or sole-occupancy unit.
- (5) A person who fails to comply with this regulation is guilty of an offence and liable to a penalty not exceeding 5 penalty units.
- (6) This regulation does not apply to a Class 1b or 3 building—
 - (a) if the building complies with regulation 709;
or
 - (b) on or after the earliest date on which the owner of the building is required to comply with regulation 709 in relation to the building—

whichever first occurs.

Note: See regulation 709(7) for the date for compliance with regulation 709.

708. Residential care buildings—automatic fire sprinkler systems

- (1) This regulation applies to a residential care building which was constructed or for which a building approval or building permit was granted prior to 1 August 1997.

Note: The term "residential care building" is defined in clause Vic A1.1 of the Victorian Appendix to Volume One of the BCA.

- (2) A residential type fire sprinkler system complying with AS 2118.4—1995 must be installed in each building to which this regulation applies.
- (3) If the sprinkler system referred to in sub-regulation (2) has more than 100 heads or the building to which this regulation applies

accommodates more than 32 residents, the sprinkler system must be connected to a fire station or other approved monitoring service in accordance with Practice Note 2006-07 issued by the Building Commission in May 2006.

- (4) This regulation must be complied with by the owner of the building.
- (5) A person who fails to comply with this regulation is guilty of an offence and liable to a penalty not exceeding 10 penalty units.

709. Hard-wired smoke alarms or detection system

- (1) This regulation applies to—
 - (a) a Class 9a building that is a residential care building; and
 - (b) a Class 1b or 3 building—
constructed or for which a building approval or building permit was granted before 1 August 1997.
- (2) The following must be installed in a building to which this regulation applies—
 - (a) smoke alarms complying with AS 3786—1993 Smoke alarms, published 13 April 1993, as published from time to time, in appropriate locations on or near the ceiling of every storey of the building and powered from the mains electricity power supply, if there is such a supply to the building; or
 - (b) a smoke detection system complying with AS 1670.1—2004 Fire detection, warning, control and intercom systems—System design, installation and commissioning—Part 1: Fire, published 29 April 2004, as published from time to time.

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- (3) The installation and the appropriate locations of smoke alarms referred to in sub-regulation (2)(a) must be in accordance with Practice Note 2006-27 issued by the Building Commission in May 2006.
 - (4) For the purposes of sub-regulation (3), Practice Note 2006-27 must be applied to a Class 9a residential care building as if the building were a Class 3 building.
 - (5) A smoke detection system referred to in sub-regulation (2)(b) must be connected to, and be designed to activate, a building occupant warning system complying with clause 6 of Specification E2.2a of Volume One of the BCA.
 - (6) For the purposes of sub-regulation (5), clause 6 of Specification E2.2a of Volume One of the BCA must be applied to a Class 1b building as if the building were a Class 3 building.
 - (7) This regulation must be complied with by the earlier of the following—
 - (a) 14 June 2006; or
 - (b) if a contract for the sale of the building is entered into on or after 14 June 2005, the date that is 30 days after—
 - (i) in the case of a contract other than a terms contract (as defined in section 2 of the **Sale of Land Act 1962**), the date of completion of the contract; or
 - (ii) in the case of a terms contract, the date that the purchaser becomes entitled to possession or to the receipt of rents and profits under the contract.
 - (8) This regulation must be complied with by the owner of the building.
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- (9) A person who fails to comply with this regulation is guilty of an offence and is liable to a penalty not exceeding 5 penalty units.
- (10) This regulation does not apply to a building that has—
- (a) an approved smoke alarm system powered from the mains electricity supply, if there is such a supply to the building; or
 - (b) an approved smoke detection system—
installed throughout the building.

710. 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 approval or building permit was granted before 1 July 2003.

Note: The term "shared accommodation building" is defined in clause Vic A1.1 of the Victorian Appendix to Volume One of the BCA.

- (2) A fire sprinkler system that complies with AS 2118.1—1999 or AS 2118.4—1995 (whichever is appropriate) must be installed throughout a building to which this regulation applies.
- (3) This regulation must be complied with by 14 June 2009.
- (4) This regulation must be complied with by the owner of the building.
- (5) A person who fails to comply with this regulation is guilty of an offence and is liable to a penalty not exceeding 10 penalty units.
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- (6) This regulation does not apply to a building that has a rise in storeys of not more than 2 and—
- (a) where 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 least 2 exits is available—is not more than 6m; and
 - (b) that has a fire hose reel system in accordance with clause E1.4 of Volume One of the BCA 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, published 9 November 2001, as published from time to time; and
 - (c) that has emergency lighting in accordance with clause G4.4 or clause E4.2 of Volume One of the BCA (as appropriate); and
 - (d) that has exit signs in accordance with the deemed-to-satisfy provisions of Part E4 of Volume One of the BCA; and
 - (e) that has a management plan in accordance with Practice Note 2006-13, issued by the Building Commission in May 2006.
- (7) This regulation does not apply to a building that has a rise in storeys of more than 2 and—
- (a) where the distance of travel from the entrance doorway of each sole-occupancy unit—
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- (i) to the nearest exit; or
 - (ii) to a point from which travel in different directions to at least 2 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 Volume One of the BCA; and
- (e) that has emergency lighting in accordance with clause G4.4 or clause E4.2 of Volume One of the BCA (as appropriate); and
- (f) that has exit signs in accordance with the deemed-to-satisfy provisions of Part E4 of Volume One of the BCA; and
- (g) that has a management plan in accordance with Practice Note 2006-13, issued by the Building Commission in May 2006.
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- (8) 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 building required to comply with regulation 708; or
 - (c) a building that has an approved sprinkler system installed throughout the building.
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PART 8—BUILDING WORK IN SPECIAL AREAS

801. 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 sub-regulation (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**.

802. Flood areas

- (1) This regulation does not apply to—
 - (a) a Class 10 building; or
 - (b) an unenclosed floor area of a building; or
 - (c) an alteration to an existing building if the area of the existing building is not increased by more than 20m².
 - (2) For the purposes of this regulation, 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; or
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- (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) 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.
 - (4) The report and consent of the relevant council under sub-regulation (3) 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.
 - (5) The relevant council must not give its consent under sub-regulation (3) 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.
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- (6) In its report under sub-regulation (3) the relevant council may specify a level for the surface of the lowest floor of a building on the site.
 - (7) Before specifying a floor level under sub-regulation (6) 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 authority consents to a lower floor level.
 - (8) The relevant council must without delay advise the floodplain management authority and the sewerage authority for that site of the floor level (if any) specified under sub-regulation (6).

803. Termite risk areas

- (1) A council may designate areas within its municipal district in which buildings are likely to be subject to attack by termites.
 - (2) Despite anything to the contrary in performance requirement BP1.1 of Volume One of the BCA and performance requirement P2.1 of Volume Two of the BCA—
 - (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 sub-regulation (1); and
 - (b) a detached Class 10 building is not required to be protected against termite attack.
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804. Designated bushfire prone areas

- (1) For the purposes of these Regulations, a council, after consultation with the chief officer, may determine that areas within its municipal district are designated bushfire prone areas.
- (2) 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 bushfire risk to the building has been considered as part of the application for the planning permit—

the relevant building surveyor may accept that site assessment for the purpose of determining the construction requirements that are applicable to the building due to the building being in a designated bushfire prone area.

805. Alpine areas

For the purposes of the BCA, a council may determine the areas in its municipal district that in its opinion are likely to be subject to significant snowfalls.

806. Designated land or 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 or works.
- (2) The report and consent may include conditions controlling the location and construction of retaining walls and fences in relation to designated land or works.

(3) Before giving its consent under sub-regulation (1), the relevant council must consult with the waterway management authority for the designated land or works.

(4) In this regulation—

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

"waterway management authority" in relation to designated land or 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 works.

807. Designated special areas—mapping

(1) A council must prepare maps for all designated special areas within its municipal district.

(2) 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.

(3) A council must advise the Commission within 7 days if a designated special area within its municipal district is altered or if a new designated special area is created.

(4) The relevant council must lodge with the Building Commission within 7 days copies of designated special areas maps amended or prepared under sub-regulation (1) or (2).

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- (5) 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 this regulation available to the public at the offices of the council during normal business hours.
- (6) In this regulation "**designated special area**" means—
- (a) an area liable to flooding within the meaning of regulation 802; or
 - (b) an area designated under regulation 803 as an area in which buildings are likely to be subject to attack by termites; or
 - (c) an area determined as a designated bushfire prone area under regulation 804; or
 - (d) an area determined as likely to be subject to significant snowfalls under regulation 805; or
 - (e) designated land or works within the meaning of regulation 806.
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PART 9—INSPECTIONS NOTICES AND ORDERS

901. Mandatory notification stages for inspection

- (1) For the purposes of Part 4 of the Act the mandatory notification stages are—
 - (a) prior to placing a footing; and
 - (b) prior to pouring an in situ reinforced concrete member nominated by the relevant building surveyor; and
 - (c) completion of framework; and
 - (d) final, upon completion of all building work.
- (2) The relevant building surveyor may vary a stage set out in sub-regulation (1) in relation to building work if it is inappropriate to the building work.
- (3) The mandatory notification stages for building work determined in accordance with sub-regulation (1) or (2) must be set out in the building permit for that building work.

902. Availability and keeping of directions

The relevant building surveyor must—

- (a) keep a copy of each direction he or she gives under section 37 of the Act in respect of building work until completion of the building work; and
- (b) make the directions available for inspection during that period by any person during office hours.

903. Emergency orders

An emergency order made under section 102 of the Act must include (in addition to the matters permitted by section 103 of the Act)—

- (a) the location of the building, land or place of public entertainment to which it applies; and
- (b) the name of the owner or occupier; and
- (c) the reason or reasons why the emergency order was issued; and
- (d) the period within which the emergency order must be complied with; and
- (e) the date of inspection by the municipal building surveyor; and
- (f) the date of issue of the order; and
- (g) the name and address of the municipal building surveyor.

904. Building notice

A building notice served under section 106 of the Act must include (in addition to the matters permitted by section 108 of the Act)—

- (a) the location of the building or place of public entertainment to which it applies; and
 - (b) the name and address of the owner; and
 - (c) the reason or reasons why the notice was issued; and
 - (d) the date of inspection by the relevant building surveyor; and
 - (e) the date of issue of the notice; and
 - (f) the name and address of the relevant building surveyor.
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905. Building orders

A building order made under section 111, 112 or 113 of the Act must include (in addition to the requirements of section 114 of the Act)—

- (a) the location of the building, land or place of public entertainment to which it applies; and
- (b) the name and address of the owner or other person to whom the order is directed; and
- (c) the reason or reasons why the order was issued; and
- (d) the date of inspection by the relevant building surveyor; and
- (e) the date of issue of the order; and
- (f) the name and address of the relevant building surveyor.

906. Amendment or cancellation of a building order

- (1) A request under section 116 of the Act must be in writing.
 - (2) The prescribed time for the purposes of section 116(3) of the Act is 14 days.
 - (3) The relevant building surveyor must inform the owner without delay of his or her decision on a request under section 116 of the Act.
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**PART 10—OCCUPANCY PERMITS AND CERTIFICATES OF
FINAL INSPECTION**

1001. Application of Part

- (1) This Part applies to all buildings and places of public entertainment.
- (2) An occupancy permit is not required for—
 - (a) a Class 10 building; or
 - (b) an alteration to a Class 1a building or within a sole occupancy unit in a Class 2 or 3 building.

1002. Application for occupancy permit

- (1) An application for an occupancy permit may be in accordance with Form 5.
- (2) The prescribed information to be contained in the application is the information set out in Form 5 (other than the notes).

1003. Reporting authorities for occupancy permit

- (1) The report and consent of the chief officer must be obtained in respect of an application for an occupancy permit—
 - (a) if he or she was a reporting authority in respect of the application for the building permit which required the issue of the occupancy permit; or
 - (b) in relation to 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) The report and consent of the relevant council must be obtained in respect of an application for an occupancy permit in relation to the installation
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or alteration of a septic tank system or 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 respect of an application for an occupancy permit referred to in sub-regulation (2), if a certificate approving the use of the septic tank system that is relevant to the application has been issued under Part IXB of the **Environment Protection Act 1970**.

1004. Time limits

The time limits set out in Schedule 6 apply in relation to applications for occupancy permits.

1005. Form of occupancy permit

An occupancy permit issued under Part 5 of the Act must be in the form of Form 6.

1006. Form of certificate of final inspection

A certificate of final inspection issued under section 38 of the Act must be in the form of Form 7.

1007. 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 take all reasonable steps to ensure that a copy of any current occupancy permit in respect of that building or place is displayed and kept displayed at an approved location within the building or place.

Penalty: 10 penalty units.

1008. Approved location for display of permit

- (1) Subject to sub-regulation (3), the relevant building surveyor must ensure that a location approved within a building for the purposes of regulation 1007 is in a prominent position 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 of regulation 1007 is in a prominent position accessible to the public.
- (3) In the classes of buildings referred to in regulation 1805, the location approved for the purposes of regulation 1007 may be in an area to which access is available only with the authorisation of the owner.

1009. 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.

Penalty: 10 penalty units.

1010. 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—
 - (a) in their original form for not less than 10 years from the date of issue of the occupancy permit; and
 - (b) after that period in their original form or in any other manner specified by the Keeper of Public Records (within the meaning of the **Public Records Act 1973**) until—
 - (i) the building in respect of which the permit is given is demolished or removed from the allotment; or
 - (ii) 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—
 - (a) the end of the period for which the temporary approval applies; or
 - (b) the temporary approval is cancelled.

1011. 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.

Penalty: 10 penalty units.
- (2) Despite sub-regulation (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.

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- (3) In deciding whether to grant an exemption under sub-regulation (2) the municipal building surveyor must take into account—
 - (a) the structural adequacy of the building or place; 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) A private building surveyor may exercise the powers of the municipal building surveyor under this regulation 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.
- (5) This regulation applies in addition to any requirements under Part 5 of the Act to obtain an occupancy permit in respect of change of use or any requirements under regulation 608 in respect of alterations.

1012. 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

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- (b) after issuing an occupancy permit or a certificate of final inspection, give to the relevant council the inspection approval dates for mandatory notification stages for the building work.

Penalty: 10 penalty units.

1013. 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 of the Building Appeals Board;
- (h) a determination of the relevant building surveyor under the BCA that an alternative solution complies with a performance requirement of the BCA together with any computations or reports relied upon by the relevant building surveyor in making the determination;
- (i) a determination of the municipal building surveyor or a private building surveyor under regulation 502;

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- (j) an exemption given by the municipal building surveyor or a private building surveyor under regulation 503;
- (k) a document setting out any requirement of the relevant building surveyor under regulation 604 to take precautions to protect the safety of the public;
- (l) a consent of the relevant building surveyor under regulation 608;
- (m) a consent of the relevant building surveyor under regulation 609;
- (n) a report and consent of a reporting authority referred to in regulation 1003;
- (o) an exemption given by the relevant building surveyor under regulation 1011;
- (p) any document required by the relevant building surveyor under clause 2 of Schedule 2 to the Act.

1014. Prescribed time to give council other documents

The prescribed time for the purposes of section 73(1A) of the Act is 7 days after the issue of the occupancy permit or temporary approval.

1015. Building surveyor to notify chief officer of issue of certificates of final inspection

- (1) If a certificate of final inspection is issued for building work in respect of which there is a requirement under these Regulations or any previous corresponding regulations that the transmission signal of an alarm be connected to a fire station or other approved monitoring service, the relevant building surveyor must notify the chief officer within 10 days after the issue of the certificate that—

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- (a) the certificate has been issued; and
 - (b) the required connection has been made.
- (2) If a certificate of final inspection is issued for building work for which an occupancy permit is not required and the chief officer was a reporting authority in respect of the application for the relevant building permit, the relevant building surveyor must notify the chief officer within 10 days after the issue of the certificate that the certificate has been issued.
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PART 11—PLACES OF PUBLIC ENTERTAINMENT

1101. Application

This Part applies to any place of public entertainment.

1102. Prescribed classes

For the purposes of the definition of "place of public entertainment" in section 3 of the Act—

- (a) Class 9b buildings having an area greater than 500m² and prescribed temporary structures are prescribed classes of buildings; and
- (b) places having an area greater than 500m² are a prescribed class of places.

1103. Occupancy permit applications for prescribed places of public entertainment made to Commission

The prescribed places of public entertainment for the purposes of section 53(2) of the Act are the sportsgrounds and spectator stands known as—

- (a) Kardinia Oval, Kardinia Park, Geelong;
- (b) Melbourne Cricket Ground, Yarra Park, East Melbourne.

1104. Prescribed temporary structures

For the purposes of the definition of "prescribed temporary structure" in section 3 of the Act, the following are prescribed classes of temporary structures, if those structures do not form part of, any other 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;
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- (c) stages or platforms (including sky borders and stage wings) exceeding 150m² in floor area;
- (d) prefabricated buildings exceeding 100m² other than ones placed directly on the ground surface.

1105. Conditions of use

Without limiting the conditions that are required under these Regulations or which can be included on an occupancy permit, 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;
- (b) the safety training qualifications to be held by any person engaged as a safety officer as required by the chief officer or the Commission;
- (c) the responsibilities of the safety officer which include—
 - (i) the operation of fire safety elements, equipment and systems;
 - (ii) the establishment and operation of evacuation procedures;
 - (iii) the safety of barriers and exits;
 - (iv) the control of the use of naked flame in theatrical productions;
- (d) the exclusion of the public from unsafe areas;

- (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;
- (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;
- (g) the location and designation of passageways and exits;
- (h) the availability of public toilet facilities and the condition of those facilities.

1106. Structural design of 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.

**PART 12—MAINTENANCE OF BUILDINGS AND PLACES
OF PUBLIC ENTERTAINMENT**

Division 1—Maintenance of Essential Safety Measures

**Subdivision 1—Maintenance of Essential Safety Measures in
Buildings and Places of Public Entertainment**

1201. Application of this Subdivision

- (1) Subject to sub-regulation (2), this Subdivision 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 Subdivision 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.

1202. Definitions

In this Subdivision—

"essential safety measure" means—

- (a) any of the following items required by or under the Act or these Regulations to be provided in relation to a building or a place of public entertainment—
 - (i) an item listed in Tables I1.1 to I1.11 of Volume One of the BCA, except the item in Table I1.4 relating to artificial lighting;
 - (ii) an item listed in clause I1.2 of Volume One of the BCA; or

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- (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 Division 1 of Part 12 of the Building (Interim) Regulations 2005 as in force before their revocation;

"maintenance determination" means a determination made by a relevant building surveyor under—

- (a) regulation 1204; or
- (b) regulation 1204 of the Building (Interim) Regulations 2005 as in force before their revocation; or
- (c) regulation 11.4 of the Building Regulations 1994 as in force before their revocation;

"maintenance schedule" in relation to a building or a place of public entertainment means a maintenance schedule prepared by a municipal building surveyor or a private building surveyor under regulation 1206 as updated from time to time under that regulation.

1203. Maintenance requirements for essential safety measures when occupancy permit required

- (1) An occupancy permit issued in respect of a building or place of public entertainment must include a condition which—
 - (a) lists all the essential safety measures pertaining to that building or place of public entertainment; and
 - (b) specifies for each essential safety measure listed, the level of performance determined by the relevant building surveyor to enable the essential safety measure to fulfil its purpose.
- (2) In determining the level of performance of an essential safety measure, the relevant building surveyor must specify the provision of the building regulations with which the installation and operation of the essential safety measure is to comply and the frequency and type of maintenance required.
- (3) In this regulation "**provision of the building regulations**" has the same meaning as in section 160 of the Act.

1204. Maintenance requirements of essential safety measures in other circumstances

- (1) If an essential safety measure is provided in a building or place of public entertainment as a consequence of an emergency order or a building order or the carrying out of building work where an occupancy permit is not required to be issued the relevant building surveyor must determine—
 - (a) the level of performance required to enable the essential safety measure to fulfil its purpose; and

- (b) the frequency and type of maintenance required.
- (2) A determination under sub-regulation (1) must—
 - (a) be in writing; and
 - (b) be given to the owner of the building or place of public entertainment without delay after it is made.

1205. Owner must comply with maintenance determination

The owner of a building or place of public entertainment must comply with a maintenance determination in relation to that building or place.

Penalty: 10 penalty units.

1206. Building surveyor may create or update a maintenance schedule

- (1) A municipal building surveyor or a private building surveyor may, on the application of the owner of a building or place of public entertainment, create a consolidated list of essential safety measures and the maintenance requirements relating to those essential safety measures—
 - (a) that are the subject of a condition imposed on an occupancy permit issued in respect of the building or place under—
 - (i) regulation 1203(1); or
 - (ii) regulation 1203(1) of the Building (Interim) Regulations 2005 as in force before their revocation; or
 - (iii) regulation 11.3(1) of the Building Regulations 1994 as in force before their revocation; or

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- (b) that are the subject of a maintenance determination in respect of the building or place.
- (2) In creating a maintenance schedule for the first time in respect of a building or a place of public entertainment, a municipal building surveyor or a private building surveyor must ensure that—
- (a) any essential safety measure referred to under sub-regulation (1) that exists in the building or place of public entertainment at the time of creation of the schedule is listed in the schedule along with any maintenance requirement that relates to it; and
 - (b) the essential safety measures and related maintenance requirements are listed in chronological order in the schedule according to the date of the issue of the occupancy permit or the date of making of the maintenance determination that relates to each of those essential safety measures.
- (3) A municipal building surveyor or a private building surveyor may, on the application of the owner of a building or place of public entertainment, update a maintenance schedule prepared in respect of the building or place by adding any additional essential safety measures and related maintenance requirements required to be provided in relation to the building or place after the date of the creation of the schedule.

- (4) Any additional essential safety measures added to a maintenance schedule under sub-regulation (3) must be listed in chronological order in the schedule according to the date of issue of the relevant occupancy permit or the date of making of the maintenance determination (as the case may be).

1207. Maintenance schedule and maintenance determination to be available for inspection

An owner of a building or place of public entertainment must ensure that a copy of any current maintenance schedule prepared in respect of the building or place, and any current maintenance determination made in respect of the building or place relating to an essential safety measure that is not listed in a maintenance schedule, is available at that building or place for inspection by the municipal building surveyor or chief officer at any time on request after 24 hours notice.

Penalty: 10 penalty units.

1208. Owner must prepare annual report

- (1) An owner of a building or place of public entertainment, in respect of which a condition on an occupancy permit lists an essential safety measure or a maintenance determination has been made, must ensure that an annual essential safety measures report is prepared in accordance with regulation 1209 before each anniversary of the relevant anniversary date.

Penalty: 10 penalty units.

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(2) In this regulation "**relevant anniversary date**" means—

- (a) the date of issue of the occupancy permit or the date of making of the maintenance determination; or
- (b) if more than one occupancy permit or maintenance determination or both is issued or made, the earliest date of issue or making of those documents.

Note: Regulation 2001 deems an annual essential safety measures report prepared in accordance with regulation 1209 of the Building (Interim) Regulations 2005 before 13 June 2006 to be an annual essential safety measures report prepared in accordance with this regulation.

1209. Contents and form of annual report

The annual essential safety measures report for the purposes of regulation 1208 must—

- (a) be in a form approved by the Commission; and
- (b) be signed by the owner or an agent of the owner; and
- (c) specify the address of the building or place of public entertainment that it relates to; and
- (d) include the details of any inspection report made under section 227E of the Act in respect of each essential safety measure; and
- (e) include a statement that the owner or an agent of the owner has taken all reasonable steps to ensure that—
 - (i) each essential safety measure is operating at the required level of performance and has been maintained in accordance with the relevant occupancy permit or maintenance

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determination and will fulfil its purpose; and

- (ii) since the last annual essential safety measures report, there have been no penetrations to required fire-resisting construction, smoke curtains and the like in the building or place, other than those for which a building permit has been issued; and
- (iii) since the last annual essential safety measures report, there have been no changes to materials or assemblies that must comply with particular fire hazard properties, other than those for which a building permit has been issued; and
- (iv) the information contained in the report is correct.

1210. Annual reports may be combined

If an annual essential safety measures report is required under regulation 1208 and under regulation 1214 in relation to the same building or place of public entertainment, the reports may be combined into one consolidated report.

1211. Annual reports and records to be made available

An owner of a building or place of public entertainment must ensure that any annual essential safety measures report required to be prepared under regulation 1208 and records of all maintenance checks and any service or repair work carried out to any essential safety measure are available at the building or place for inspection by the municipal building surveyor or chief officer at any time on request after 24 hours notice.

Penalty: 10 penalty units.

Subdivision 2—Maintenance of Essential Safety Measures in Buildings and Places of Public Entertainment Constructed before 1 July 1994

1212. Application of Subdivision

This Subdivision applies to all Class 1b, 2, 3, 5, 6, 7, 8 and 9 buildings and places of public entertainment constructed before 1 July 1994.

1213. Definition of essential safety measure in this Subdivision

In this Subdivision, "essential safety measure" means any 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.

1214. Owner of building or place constructed before 1 July 1994 must prepare annual report

- (1) An owner of a building or place of public entertainment must ensure that an annual essential safety measures report is prepared in accordance with regulation 1215 in respect of any essential safety measure required to be provided in relation to that building or place under the Act or these Regulations or any corresponding previous Act or regulations—
 - (a) in the case of the first report, before 13 June 2009; and
 - (b) in the case of each subsequent report, before each anniversary of 13 June 2009.

Penalty: 10 penalty units.

- (2) Sub-regulation (1) does not apply to any essential safety measure in respect of which an annual report is required to be prepared under Subdivision 1 of this Division.

1215. Contents and form of annual report for building or place constructed before 1 July 1994

The annual essential safety measures report for the purposes of regulation 1214 must—

- (a) be in a form approved by the Commission; and
- (b) be signed by the owner or an agent of the owner; and
- (c) specify the address of the building or place of public entertainment that it relates to; and
- (d) include the details of any inspection report made under section 227E of the Act in respect of each essential safety measure; and
- (e) include a statement that the owner or an agent of the owner has taken all reasonable steps to ensure that each essential safety measure—
 - (i) is operating and has been maintained in a state that enables the essential safety measure to fulfil its purpose; and
 - (ii) since the last annual essential safety measures report, there have been no penetrations to required fire-resisting construction, smoke curtains and the like in the building or place, other than those for which a building permit has been issued; and

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- (iii) since the last annual essential safety measures report, there have been no changes to materials or assemblies that must comply with particular fire hazard properties, other than those for which a building permit has been issued; and
- (iv) the information contained in the report is correct.

1216. Annual reports and records to be made available by owners of buildings constructed before 1 July 1994

- (1) An owner of a building or place of public entertainment must ensure that any annual essential safety measures report required to be prepared under regulation 1214 and records of all maintenance checks and any service or repair work carried out to any essential safety measure are available at the building or place for inspection by the municipal building surveyor or chief officer at any time on request after 24 hours notice.

Penalty: 10 penalty units.

- (2) Sub-regulation (1) does not apply until 13 June 2009.

1217. Maintenance responsibility of owner of building or place constructed before 1 July 1994

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 under the Act or these Regulations or any corresponding previous Act or regulations—

- (a) is maintained in a state which enables the essential safety measure to fulfil its purpose; and

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- (b) is not removed from its approved location except—
 - (i) for the purpose of maintenance; or
 - (ii) in accordance with these Regulations.

Penalty: 10 penalty units.

Subdivision 3—Maintenance of Exits and Paths of Travel Relating to Buildings or Places of Public Entertainment

1218. 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; and
- (b) any paths of travel to exits; and
- (c) any paths of travel on the allotment from exits to a road—

required to be provided in relation to that building or place are maintained in an efficient condition and kept readily accessible, functional and clear of obstruction so that egress from the building or place is maintained.

Penalty: 10 penalty units.

Division 2—Swimming Pool and Spa Maintenance and Operation

1219. Application of this Division

This Division applies to 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.

1220. Swimming pool and spa maintenance and operation

- (1) The occupier of an allotment or building containing a swimming pool or spa must take all reasonable steps to ensure that any fence or other barrier, door, gate, lock, latch, catch, bolt or fly screen restricting access to the swimming pool or spa is maintained and operating effectively at all times.

Penalty: 50 penalty units.

- (2) The occupier of an allotment or building containing a swimming pool or spa must take all reasonable steps to ensure that any gate or door forming part of a swimming pool or spa barrier or fence that provides access to the swimming pool or spa is in the closed position except when a person is in the act of entering or leaving the part of the allotment or building containing the swimming pool or spa.

Penalty: 50 penalty units.

- (3) A person who enters or leaves the part of an allotment or building containing a swimming pool or spa must ensure that any gate or door forming part of the swimming pool or spa barrier or fence that provides access to the swimming pool or spa is in the closed position at all times, except when that person or another person is in the act of entering or leaving that part of the allotment or building.

Penalty: 50 penalty units.

PART 13—COOLING TOWER SYSTEMS

1301. Application to register or renew registration

For the purposes of Part 5A of the Act, an application to register, or to renew the registration of, a cooling tower system must include the following details in addition to any other requirements imposed by the Act—

- (a) the address of the land on which the cooling tower system is located;
 - (b) the name, postal address and telephone number of the owner of the land on which the cooling tower system is located;
 - (c) the number of cooling tower systems on the land;
 - (d) the number of cooling towers in each cooling tower system;
 - (e) in respect of each cooling tower system—
 - (i) the location of the system;
 - (ii) the type of system;
 - (iii) whether drift eliminators have been fitted to each cooling tower in the system and whether automated biocide dosing devices and automated bleed-off devices have been fitted to the system;
 - (iv) the purpose of the system;
 - (v) the area served by the system;
 - (vi) the type of business served by the system;
 - (vii) the name and telephone number of the owner of the system (if different from the owner of the land);
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- (viii) the name and telephone number of the person who is responsible for the day to day operation of the system.

1302. Registration and renewal fees

- (1) The fee required to be submitted with an application for the registration of a cooling tower system is the amount calculated by multiplying the number of cooling towers in the cooling tower system for which registration is sought by \$110.
- (2) The fee required to be submitted with an application for the renewal of the registration of a cooling tower system is the amount calculated by multiplying the number of cooling towers in the cooling tower system for which the renewal of registration is sought by \$85.

1303. Notification of alterations to cooling tower system

For the purposes of section 75DF of the Act, a notification under section 75DF(1) must be in writing and must contain the following details—

- (a) in the case of a notification under section 75DF(1)(a)—
- (i) the location of the cooling tower system affected;
 - (ii) the type of cooling tower system;
 - (iii) whether a cooling tower has been added to, or removed from, the system;
 - (iv) the date that the addition or removal occurred;

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- (b) in the case of a notification under section 75DF(1)(b)—
- (i) the location of the cooling tower system;
 - (ii) whether it has been removed or permanently decommissioned;
 - (iii) the date on which the cooling tower system was removed or permanently decommissioned;
- (c) in the case of a notification under section 75DF(1)(c)—
- (i) the type of cooling tower system that has been relocated;
 - (ii) the location from which the cooling tower system has been relocated;
 - (iii) the new location of the cooling tower system;
 - (iv) whether the cooling tower system is connected to any other cooling tower system;
 - (v) whether drift eliminators have been fitted to each cooling tower in the cooling tower system and whether automated biocide dosing devices or automated bleed-off devices have been fitted to the cooling tower system;
 - (vi) the purpose of the cooling tower system;
 - (vii) the date on which the relocation occurred.
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1304. Information to be included in the register

For the purposes of section 75DH of the Act, the following information is to be included in the register in addition to the other matters specified in the Act—

- (a) the name, postal address and telephone number of the owner of the land on which the cooling tower system is located;
 - (b) the number of cooling tower systems on the land;
 - (c) the number of cooling towers in each cooling tower system;
 - (d) whether drift eliminators have been fitted to each cooling tower in the cooling tower system and whether automated biocide dosing devices and automated bleed-off devices have been fitted to the cooling tower system;
 - (e) the purpose of the cooling tower system;
 - (f) the area served by the cooling tower system.
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PART 14—BUILDING PRODUCT ACCREDITATION

Division 1—General

1401. Definitions

In this Part—

"building product" includes construction method, design component or system connected with building work;

"Committee" means the Building Regulations Advisory Committee.

1402. Prescribed body to accredit products

For the purposes of sections 14 and 15 of the Act the Australian Building Codes Board is a prescribed body.

Division 2—Accreditation by Committee

1403. Application of Division

This Division does not apply to a building product that complies with the relevant deemed-to-satisfy provisions of the BCA.

1404. Application for accreditation

- (1) A person may apply to the Committee to have a building product accredited under this Division.
- (2) The application must be accompanied by—
 - (a) the prescribed fee; and
 - (b) if required by the Committee either or both 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;

-
- (ii) a test report from a Registered Testing Authority.

1405. Accreditation fees

- (1) The fee for accreditation of a building product under this Division is \$1500.
- (2) All fees paid under this Division must be paid into the Building Administration Fund.

1406. Certificate of accreditation

If the Committee accredits a building product under this Division, the Commission must issue a certificate of accreditation to the applicant.

1407. Registration of accredited products

The Commission must—

- (a) keep a register of all building products accredited under this Division; and
- (b) cause to be published in the Government Gazette notice of—
- (i) any accreditation of a building product under this Division; and
- (ii) any revocation of an accreditation under this Division.

1408. 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 Commission must notify the holder of the certificate in writing of the decision of the Committee.

1409. Records

The Commission must keep all documents considered by the Committee in relation to an accreditation under this Division until the accreditation is revoked.

1410. Information in application to remain confidential

- (1) The information contained in any application for accreditation must be regarded as confidential and must not be wilfully disclosed (except in pursuance of this Division) by any member of the Committee or any person employed to assist the Committee unless disclosure is authorised in writing by the person who made the application.
- (2) Any person who fails to comply with sub-regulation (1) is guilty of an offence and liable to a penalty not exceeding 10 penalty units.

1411. 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.

Penalty: 10 penalty units.

PART 15—BUILDING PRACTITIONERS

1501. Definition

In this Part—

"Board" means the Building Practitioners Board.

1502. Professional standards

A registered building practitioner must—

- (a) perform his or her work as a building practitioner in a competent manner and to a professional standard; and
- (b) immediately inform the client in writing if a conflict of interest arises or appears likely to arise between his or her interest as a building practitioner and that of his or her client; and
- (c) receive remuneration for his or her 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.

Note: A building practitioner who contravenes the requirements of regulation 1502 may be the subject of an inquiry under section 179 of the Act.

1503. Prescribed qualifications and classes

For the purposes of registration under section 170 of the Act, the prescribed qualifications for registration of a category and a prescribed class of building practitioner set out in column 2 of the Table in Schedule 7 are the relevant qualifications set out in column 3 of the Table in Schedule 7 for that category and class.

Note: Under section 170(1)(b)(ii) of the Act the Board may accept equivalent qualifications and experience to those listed in the Table in Schedule 7.

1504. 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.

1505. Certificates of compliance—proposed building work

The prescribed classes of proposed building work and the prescribed categories and classes of practitioners in respect of 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.

1506. Certificates of compliance—building work

The prescribed classes of building work and the prescribed categories and classes of practitioners in respect of 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.

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1507. Forms of certificates of compliance

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

1508. Duplicate certificate fee

For the purposes of section 172(7) of the Act, the prescribed fee for a duplicate building practitioner's certificate is \$30.

PART 16—BUILDING APPEALS BOARD

1601. Appeal periods

For the purposes of section 146 of the Act, the prescribed appeal period is—

- (a) 14 days for an appeal by a prescribed reporting authority under section 138(5) of the Act; or
- (b) 14 days for an appeal against a determination by the relevant building surveyor under section 87 of the Act; or
- (c) 60 days for an appeal under section 143 of the Act against a decision of the Building Practitioners Board; or
- (d) 30 days in any other case.

1602. Building Appeals Board fees

The fees for lodging an appeal, referral, application or request to the Building Appeals Board are as follows—

- (a) in the case of an appeal under section 138, 140 or 142 or a referral under section 156, 157 or 158 of the Act—
 - (i) \$250 in any matter relating to a Class 1 or 10 building; and
 - (ii) \$500 in any matter relating to a building other than a Class 1 or 10 building;
- (b) in the case of an appeal under section 139, 144 or 144A, a referral under section 150 or an application under section 164 of the Act—
 - (i) \$150 in any matter relating to a Class 1 or 10 building;

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- (ii) \$250 in any matter relating to a building other than a Class 1 or 10 building;
 - (c) in the case of an appeal under section 141, a referral under section 151, 152, 153, 154 or 155 or an application under section 159 of the Act—
 - (i) \$250 in any matter relating to a Class 1 or 10 building;
 - (ii) \$500 in any matter relating to a building other than a Class 1 or 10 building;
 - (d) in the case of an appeal under section 143(1) of the Act that relates to a decision of the Building Practitioners Board under Division 1 of Part 11 of the Act or an appeal under section 143(1A) of the Act, \$250;
 - (e) in the case of an appeal under section 143(1) of the Act that relates to a decision of the Building Practitioners Board under Division 2 of Part 11 of the Act or an appeal under section 143(2) or 143(3) of the Act, \$500;
 - (f) in the case of a request under section 147 of the Act, \$400;
 - (g) in the case of an application under section 160 of the Act—
 - (i) \$90 in any matter relating to a Class 1 or 10 building; and
 - (ii) \$200 in any matter relating to a building other than a Class 1 or 10 building;
 - (h) in the case of an application under section 160A of the Act, \$200.
-

1603. Additional fees

In addition to the fees required by regulation 1602—

- (a) in the case of a request made under section 147 of the Act the additional prescribed fee for the purposes of section 147(3)(b) of the Act is \$160 per hour; and
- (b) in the case of any matter where an inspection of the site is made by a member or members of the Building Appeals Board hearing the matter, an additional fee of \$160 per hour may, at the discretion of the Board, be required from the person requesting the matter to be heard.

1604. Fees to be refunded

- (1) Fees paid to the Building Appeals Board in respect of a request under section 147 of the Act must be refunded from the Building Administration Fund if the request is refused.
 - (2) The Commissioner may refund from the Building Administration Fund, in whole or in part, any other fee paid to the Building Appeals Board if the appeal, request, application or referral is not proceeded with.
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PART 17—INFRINGEMENT NOTICES

1701. Application

This Part applies to all buildings and places of public entertainment whenever constructed.

1702. Authorised officers

The office or class of officers for the purposes of the definition of "authorised officer" in section 254 of the Act are—

- (a) the Commissioner, for offences against regulations 1009, 1205, 1207, 1208, 1211, 1214, 1216, 1217 and 1218; and
- (b) the chief officer, for offences against regulations 707, 708, 709, 710, 1009, 1205, 1207, 1208, 1211, 1214, 1216, 1217 and 1218; and
- (c) the municipal building surveyor, for offences against regulations 703, 707, 708, 709, 710, 1009, 1205, 1207, 1208, 1211, 1214, 1216, 1217 and 1218.

1703. Prescribed offences

The prescribed offences for the purposes of the definition of "prescribed offence" in section 254 of the Act are, offences against regulations 703, 707, 708, 709, 710, 1009, 1205, 1207, 1208, 1211, 1214, 1216, 1217 and 1218.

1704. Form of infringement notices

A building infringement notice must be in the form of Form 8 for the purposes of section 255(2) of the Act.

1705. 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.

1706. Payment of prescribed penalty

For the purposes of section 258(4) of the Act, payment of a prescribed penalty must be made to the authorised officer—

- (a) by post; or
 - (b) at the business office of the authorised officer during office hours.
-

PART 18—EXEMPTIONS

Division 1—Exemptions for Certain Buildings and Building Work

1801. Exemptions from permits

A building permit and occupancy permit are not required under the Act for the buildings and building work specified in column 2 of the Table in Schedule 8.

1802. Exemptions from building regulations

The buildings and building work specified in column 2 of the Table in Schedule 8 are exempt from the regulations specified in relation to them in column 3 of that Table.

1803. Exemption from permit for temporary structures

A building permit is not required under the Act for prescribed temporary structures described in regulation 1104 and those structures are also exempt from all Parts of these Regulations except regulations 1105 and 1106.

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 Commission under that permit.

1804. Exemption for farm buildings

- (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 sub-regulation (1), a building permit and certificate of final inspection under the Act are not required for that building.

Division 2—Exemptions in Relation to Certain Buildings

1805. Exemptions relating to building surveyors

Sections 23, 30, 47 and 73 of the Act do not apply to a relevant building surveyor in respect of 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 57 of the **Children and Young Persons Act 1989**; or
 - (ii) a community service approved under section 58 of that Act and that are situated on Crown land or land in relation to which the Secretary to the Department of 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 and Young Persons Act 1989**; 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

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- (iv) a youth training 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—
 - (i) a residential institution within the meaning of the **Intellectually Disabled Persons' Services Act 1986**; or
 - (ii) a residential program within the meaning of that Act;
 - (e) premises that are used or intended to be used for the provision of residential accommodation by a registered residential service within the meaning of the **Intellectually Disabled Persons' Services Act 1986**;
 - (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—
 - (i) as an approved mental health service within the meaning of the **Mental Health Act 1986**; or
 - (ii) to provide residential services and 24 hour nursing care for people with a mental disorder within the meaning of that Act and operated with funding
-

provided by the Secretary to the Department of Human Services for that purpose;

- (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 Human Services for the purpose of providing a refuge.

1806. Exemption from permit application fees

Clause 1(d) of Schedule 2 to the Act does not apply to an applicant for a building permit in respect of any class of building referred to in regulation 1805.

Division 3—Exemptions Relating to Builders of Multi-storey Residential Buildings

1807. Definitions

In this Division—

"carry out" in relation to building work, includes manage or arrange the carrying out of building work;

"multi-storey residential building" means a building—

- (a) that has a rise in storeys of more than 3; and
- (b) that contains 2 or more separate dwellings;

"storey" does not include a space within a building if the space contains only accommodation intended only for vehicles.

1808. Exemption from required insurance for builder

- (1) Subject to sub-regulation (3), a builder who carries out domestic building work or proposes to carry out domestic building work under a major domestic building contract for the construction of a multi-storey residential building is exempt from compliance with section 136(2) of the Act in respect of the carrying out of domestic building work for the construction of that building.
- (2) Subject to sub-regulation (3), a builder is exempt from any requirement under Part 9 of the Act to be covered by the required insurance in respect of the carrying out of domestic building work under a major domestic building contract where the work is for the construction of a multi-storey residential building.
- (3) Nothing in this regulation exempts a builder from a requirement under section 136(2) of the Act or Part 9 of the Act to be covered by insurance in accordance with the Building Practitioners' Insurance Ministerial Order made under section 135 of the Act on 4 May 2005 and published in Special Government Gazette No. S 91 on 12 May 2005 and taking effect on 14 June 2005 as that Order is in force from time to time.
- (4) This regulation applies to major domestic building contracts entered into on or after 10 April 2002.

1809. Exemptions from required insurance for owner-builders

- (1) A person who constructs a multi-storey residential building is exempt from compliance with section 137B(2)(b) of the Act in respect of any contract to sell the building.
-

-
- (2) A person who constructs a multi-storey residential building is exempt from any requirement under Part 9 of the Act to be covered by the required insurance in respect of any contract to sell the building.
 - (3) This regulation applies to contracts of sale entered into on or after 10 April 2002.

Division 4—Exemptions from Registration for Certain Building Practitioners

1810. Domestic builders if work less than \$5000

- (1) A builder who is solely engaged in the business of carrying out domestic building work is not required to be registered as a building practitioner under Part 11 of the Act if the cost of the domestic building work carried out by that person is \$5000 or less in each case.
- (2) This regulation does not apply to a builder who, in relation to a home within the meaning of the **Domestic Building Contracts Act 1995**, is engaged in the business of—
 - (a) the re-blocking or restumping of a home; or
 - (b) the demolition or removal of a home.

1811. Builders of Class 10 buildings

- (1) A builder, who is solely engaged in the business of constructing Class 10 buildings, is not required to be registered as a building practitioner under Part 11 of the Act.
- (2) This regulation does not apply to a builder who is engaged in the business of—
 - (a) constructing Class 10 buildings, where that construction is domestic building work carried out under a major domestic building contract; or

- (b) the construction of signs or similar Class 10b structures.

1812. Builders of masts and similar Class 10b structures

A builder who is solely engaged in the business of constructing Class 10 buildings which are masts, poles, aerials or similar Class 10b structures is not required to be registered as a building practitioner under Part 11 of the Act.

1813. Draftsperson doing certain domestic building work

A draftsperson who is solely engaged in the business of—

- (a) preparing plans for domestic building work;
or
(b) preparing documentation relating to permits or permit applications for domestic building work—

is not required to be registered as a building practitioner under Part 11 of the Act if the cost of the domestic building work is \$5000 or less in each case.

1814. Draftsperson doing certain work for engineer

A draftsperson who is solely engaged in the business of—

- (a) preparing civil, mechanical or electrical plans; or
(b) other documentation relating to permits or permit applications—

for building practitioners in the category of engineer, is not required to be registered as a building practitioner under Part 11 of the Act.

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PART 19—GENERAL

1901. Approved forms

- (1) The Commission may from time to time approve forms for the purposes of these Regulations.
 - (2) The Commission must publish any approved form in the Government Gazette.
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PART 20—TRANSITIONAL PROVISIONS

2001. Annual essential safety measures reports

An annual essential safety measures report prepared in accordance with regulation 1209 of the Building (Interim) Regulations 2005 as in force before 13 June 2006 is deemed to be an annual essential safety measures report prepared in accordance with regulation 1208.

2002. Registration of building practitioners not affected by revocation of Building (Interim) Regulations 2005

The revocation of the Building (Interim) Regulations 2005 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.

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SCHEDULES

SCHEDULE 1

Regulation 104

REVOCATION

<i>S.R. No.</i>	<i>Title</i>
51/2005	Building (Interim) Regulations 2005

Building Regulations 2006
S.R. No. 68/2006

Sch. 2

SCHEDULE 2

FORMS

FORM 1

Regulation 301

Building Act 1993

Building Regulations 2006

APPLICATION FOR A BUILDING PERMIT

To (Building surveyor)

From

Owner*/Agent of owner*

** delete if inapplicable*

Postal address

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

Ownership Details (only if agent of owner listed above)

Owner

Postal address

Postcode

Contact person

Telephone

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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) m ²		
Land owned by the Crown or a public authority	<input type="checkbox"/> †		

† *tick if applicable*

Builder (if known)

Name	Telephone
Postal address	Postcode

Building practitioners¹ and/or architect

(a) to be engaged in the building work²

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)

(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.

Nature of building work*

Construction of a new building	<input type="checkbox"/>	Alterations to an existing building	<input type="checkbox"/>
Demolition of a building	<input type="checkbox"/>	Removal of a building	<input type="checkbox"/>
Extension to an existing building	<input type="checkbox"/>	Change of use of an existing building	<input type="checkbox"/>
Re-erection of a building	<input type="checkbox"/>		
Other	<input type="checkbox"/>		

Proposed use of building⁴

* *Tick if applicable or give other description*

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Owner-builder⁵ (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 owner or agent Date

NOTES

Note 1: Building practitioner means—

- (a) a building surveyor; or
- (b) a building inspector; or
- (c) a quantity surveyor; or
- (d) an engineer engaged in the building industry; or
- (e) a draftsman who carries on a business of preparing plans for building work or preparing documentation relating to permits and permit applications; or
- (f) a builder including a domestic builder; or
- (g) a person who erects or supervises the erection of prescribed temporary structures; or
- (h) a person responsible for a building project or any stage of a building project and who belongs to a class of people prescribed to be building practitioners—

but does not include—

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- (i) an architect; or
 - (j) a person (other than a domestic builder) who does not carry on the business of building.

Note 2: Include building practitioners with continuing involvement in the building work.

Note 3: Include only building practitioners with no further involvement in the building work.

Note 4: The use of the building may also be subject to additional requirements under other legislation such as the **Liquor Control Reform Act 1998** and the **Dangerous Goods Act 1985**.

Note 5: If an owner-builder there are restrictions on the sale of the building under section 137B of the **Building Act 1993**. Section 137B prohibits an owner-builder from selling a building on which domestic building work has been carried out within 6½ years from the completion of the relevant building work unless they have satisfied certain requirements including obtaining compulsory insurance. The Building Commission maintains a current list of domestic insurance providers.

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FORM 2

Regulation 313

Building Act 1993
Building Regulations 2006

BUILDING PERMIT

Issued to

Owner*/Agent of owner*

Postal address

Postcode

Address for serving or giving of documents

Postcode

Contact person

Telephone

** Delete if inapplicable*

Ownership details (only if agent of owner listed above)

Owner

Postal address

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

Builder¹

Name

Telephone

Address

Postcode

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Details of building practitioners and architects

(a) to be engaged in the building work²

Name Category/Class Registration No.

Name Category/Class Registration No.

(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.

Details of domestic building work insurance⁴ (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

Alternative Solution (delete if inapplicable)

An Alternative Solution was used to determine compliance with the following Performance Requirements of the BCA that relate to this project:

Building Appeals Board determinations (delete if inapplicable)

The following determinations of the Building Appeals Board relate to this project:

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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:

<i>Prescribed reporting authority</i>	<i>Matter reported on</i>	<i>Regulation</i>
---------------------------------------	---------------------------	-------------------

Combined allotment statement (*delete if inapplicable*)

A statement has been issued under regulation 502 in relation to the building work that is the subject of this permit.

Subdivision of existing building statement (*delete if inapplicable*)

A statement has been issued under regulation 503 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 respect of which the building work is carried out.

* *Circle whichever is applicable*

Commencement and completion

This building work must commence by

This building work must be completed by

Conditions (*delete if inapplicable*)

This permit is subject to the following conditions—

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Relevant building surveyor

Name	Registration No.
Business/council name	Address
Permit No.	Date of issue of permit
Signature	

NOTES

- Note 1: Under regulation 317 the person in charge of the carrying out of building work on an allotment must take all reasonable steps to ensure that a copy of this permit and one set of any approved plans, specifications and documents are available for inspection at the allotment while the building work is in progress. They must also take all reasonable steps to ensure that the registration numbers and contact details of the builder and building surveyor and the number and date of issue of this permit are displayed in a conspicuous position accessible to the public before and during the building work to which this permit applies.
- Note 2: Under regulation 318 an owner of a building or land, for which a building permit has been issued, must notify the relevant building surveyor within 14 days after any change in the name or address of the owner or of the builder carrying out the building work. The penalty for non-compliance is 10 penalty units.
- Note 3: Include building practitioners with continuing involvement in the building work.
- Note 4: Include only building practitioners with no further involvement in the building work.
- Note 5: Domestic builders carrying out domestic building work forming part of this permit (where the contract price for that work is more than \$12 000) must be covered by an insurance policy as required under section 135 of the **Building Act 1993**.
-

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FORM 3

Regulations 602(2), 602(3)

Building Act 1993

Building Regulations 2006

PROTECTION WORK NOTICE

To

Adjoining owner

Postal address

Postcode

Relevant building surveyor

Postal address

Postcode

Contact person

Telephone

From

Owner/agent

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.

Details of proposed building work

Property details

Number	Street/road	City/suburb/town	
Lot/s	LP/PS	Volume	Folio
Crown allotment	Section	Parish	County
Municipal district			

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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:

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.

Failure to respond will be taken as agreement to the proposed protection work.

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).

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FORM 4

Regulations 602(4), 602(5)

Building Act 1993

Building Regulations 2006

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 3)

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 for the following reasons
- (c) request the following further information

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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**.

Building Regulations 2006
S.R. No. 68/2006

Sch. 2

FORM 5

Regulation 1002

Building Act 1993
Building Regulations 2006

APPLICATION FOR OCCUPANCY PERMIT

To

Relevant building surveyor

From

Owner or agent

Telephone

In accordance with section 42 of the **Building Act 1993**, I hereby apply for an occupancy permit for the building at—

Property details

Number	Street/road	City/suburb/town	
Lot/s	LP/PS	Volume	Folio
Crown allotment	Section	Parish	County
Municipal district			

Building practitioners and architects who were engaged in the building work¹

Name	Category/Class	Registration No.
Name	Category/Class	Registration No.

Use applied for

Part of building	Intended use	BCA Class
Part of building	Intended use	BCA Class

Signature of owner or agent

Date

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Sch. 2

NOTE

Include building practitioners who were involved in the building work and who were not known or not listed at time of completion of application for building permit.

Building Regulations 2006
S.R. No. 68/2006

Sch. 2

FORM 6

Regulation 1005

Building Act 1993

Building Regulations 2006

OCCUPANCY PERMIT

Property details

Number	Street/road	City/suburb/town	Postcode
Lot/s	LP/PS	Volume	Folio
Crown allotment	Section	Parish	County
Municipal district			

Building details*

Part of building	Permitted use	BCA Class
Maximum permissible floor live load	Maximum number of people to be accommodated	
Part of building	Permitted use	BCA Class
Maximum permissible floor live load	Maximum number of people to be accommodated	

* Complete this portion only if an occupancy permit is required under Division 1 of Part 5 of the **Building Act 1993**.

Places of Public Entertainment**

Place of Public Entertainment	Prescribed class of temporary structure
-------------------------------	---

Public entertainment to be conducted

Period of operation of this permit

** Complete the applicable parts of this portion only if an occupancy permit is required under Division 2 of Part 5 of the **Building Act 1993**.

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Alternative Solution *(delete if inapplicable)*

An Alternative Solution was used to determine compliance with the following Performance Requirements of the BCA that relate to this project:
(list matters not referenced on the relevant building permit)

Building Appeals Board determinations *(delete if inapplicable)*

The following determinations of the Building Appeals Board relate to this project: *(list matters not referenced on the relevant building permit)*

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:

<i>Reporting authority</i>	<i>Matter reported on</i>	<i>Regulation</i>
----------------------------	---------------------------	-------------------

Conditions *(delete if inapplicable)*

Occupation is subject to the following conditions—

(1) Essential safety measures

Essential safety measures must be maintained in accordance with the maintenance requirements set out in the following table—

<i>Essential safety measure</i>	<i>BCA or other provision to which essential safety measure has been installed and is to operate</i>	<i>Frequency and type of maintenance required</i>
---------------------------------	--	---

(2) Other conditions *(delete if inapplicable)*

Approved location for display of occupancy permit *(delete if inapplicable)*

The approved location for display of this permit for the purposes of regulation 1007 is

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Suitability for occupation

The building or place of public entertainment or part of a 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 inspection

Date of issue

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Sch. 2

FORM 7

Regulation 1006

Building Act 1993

Building Regulations 2006

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
Part of building	Permitted use	BCA Class

Alternative Solution *(delete if inapplicable)*

An Alternative Solution was used to determine compliance with the following Performance Requirements of the BCA that relate to this project:
(list matters not referenced on the relevant building permit)

Building Appeals Board determinations *(delete if inapplicable)*

The following determinations of the Building Appeals Board relate to this project: *(list matters not referenced on the relevant building permit)*

Directions

All directions under Part 4 of the **Building Act 1993** have been complied with.

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Relevant building surveyor

Name

Registration No.

Signature

Certificate No.

Date of inspection

Date of issue

FORM 8

Regulation 1704

Building Act 1993

Building Regulations 2006

BUILDING INFRINGEMENT NOTICE

To

Name and address of owner, occupier or person carrying out building work who is alleged to have committed a prescribed offence.

Identification of building

Address of building or information required to identify the building where the prescribed offence allegedly occurred.

Nature of prescribed offence

Prescribed penalty for the prescribed offence

Additional steps (if any) required to expiate the prescribed offence

Period within which additional steps (if any) must be taken

Period for payment of prescribed penalty

Required manner and place of payment of penalty

Authorised officer

Name

Business address

Signature

Date of issue

NOTES

Note 1: The authorised officer may withdraw the infringement notice at any time (other than as described in Note (2)) within 28 days after notice is served by serving a withdrawal notice and if the authorised officer withdraws the infringement notice the authority may either take no action, or may take other action including bringing the matter before a court.

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- Note 2: The infringement notice cannot be withdrawn if within the required time any required additional steps have been taken and the penalty paid.
- Note 3: If any required additional steps have been taken and the penalty has been paid within the required time the offence will be expiated and no conviction for the offence will be recorded. However, the authorised officer may serve a summons where failure to expiate an offence occurs.
-

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Sch. 3

SCHEDULE 3

Regulation 307

TIME LIMITS FOR BUILDING PERMIT APPLICATIONS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item number</i>	<i>Matter</i>	<i>Class 1 or 10 buildings</i>	<i>Class 2–9 buildings</i>	<i>Act provision</i>
1	Relevant building surveyor to give reporting authority a copy of an application	3 business days	5 business days	Schedule 2 clause 4(2)
2	Time after receipt of copy of application for reporting authority to report on and consent to application	10 business days	10 business days	Schedule 2 clause 6
3	Time after receipt of copy of application for reporting authority to report on and consent to an application for a matter under Division 2 of Part 4 and regulation 424	15 business days	Not applicable	Schedule 2 clause 6
4	Time after receipt of copy of application for responsible authority to report on and consent to application	15 business days	15 business days	Schedule 2 clause 6A

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item number</i>	<i>Matter</i>	<i>Class 1 or 10 buildings</i>	<i>Class 2-9 buildings</i>	<i>Act provision</i>
5	Time for relevant building surveyor to decide application after all reporting authority reports and consents are received or the end of the relevant time prescribed for the supply of those reports and consents whichever is the earlier	10 business days	15 business days	section 19
6	Further time for applicant to supply a report and consent of a reporting authority to relevant building surveyor	3 calendar months	6 calendar months	Schedule 2 clause 5(4)

SCHEDULE 4

Regulation 308

**PRESCRIBED MATTERS REPORTED ON BY PRESCRIBED
REPORTING AUTHORITIES**

PART 1

PRESCRIBED MATTERS REPORTED ON BY CHIEF OFFICER

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Prescribed matters to be reported on by chief officer</i>	<i>Regulation reference</i>
	The following fire safety matters if those matters do not meet the deemed-to-satisfy provisions of the BCA—	reg. 309(1)
1	fire hydrants	
2	fire hose reels	
3	fire control centres or fire control rooms	
4	fire precautions during construction	
5	fire mains	
6	control valves	
7	booster assemblies	
8	emergency vehicle access	
9	fire indicator panels	
10	proscenium curtain drencher systems	
11	fire services controls in passenger lift cars	

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PART 2

PRESCRIBED MATTERS REPORTED ON BY COUNCIL

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Prescribed matters to be reported on by council</i>	<i>Regulation reference</i>
1	Building over an easement	reg. 310(1)
2	Setback from a street alignment not complying with reg. 408	reg. 408(3)
3	Setback from a street alignment not complying with reg. 409	reg. 409(4)
4	Building height not complying with reg. 410	reg. 410(4)
5	Site coverage not complying with reg. 411	reg. 411(4)
6	Impermeable surfaces covering more than 80% of an allotment area	reg. 412(2)
7	Car parking spaces not complying with reg. 413	reg. 413(6)
8	Side or rear boundary setbacks not complying with reg. 414	reg. 414(6)
9	Walls or carports not complying with reg. 415	reg. 415(5)
10	Building setbacks not complying with reg. 416 (daylight to existing habitable room window)	reg. 416(6)
11	Building setbacks not complying with reg. 417 (solar access)	reg. 417(6)
12	Building design not complying with reg. 418 (overshadowing of recreational private open space)	reg. 418(3)
13	Window or raised open space not complying with reg. 419 (overlooking)	reg. 419(9)
14	Building design not complying with reg. 420 (daylight to habitable room window)	reg. 420(3)
15	Private open space not complying with reg. 421	reg. 421(4)
16	Siting of appurtenant Class 10a buildings not complying with regulation 422(1)	reg. 422(2)

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Prescribed matters to be reported on by council</i>	<i>Regulation reference</i>
17	Front fence height not complying with reg. 424	reg. 424(3)
18	Fence setback on side or rear boundary not complying with reg. 425	reg. 425(3)
19	Length or height of side or rear boundary fence not complying with reg. 426	reg. 426(5)
20	A fence within 9m of an intersection of street alignments and exceeding height of 1m above footpath	reg. 427(1)
21	Fence setback not complying with reg. 428 (daylight to existing habitable room window)	reg. 428(6)
22	Fence setback not complying with reg. 429 (solar access)	reg. 429(5)
23	Fence design not complying with reg. 430 (overshadowing of recreational private open space)	reg. 430(3)
24	Mast, pole, aerial, antenna, chimney flue pipe or other service pipe that exceeds certain height limits	reg. 431
25	Projections beyond street alignment	reg. 513(1), 513(2)
26	Buildings above or below certain public facilities	reg. 515(2)
27	Precautions over a street	reg. 604(4)
28	Point of discharge of storm water	reg. 610(2)
29	Installation or alteration of a septic tank system, or construction of a building over an existing septic tank system	reg. 801(1)
30	Construction of buildings on land liable to flooding	reg. 802(3)
31	Building on designated land or works	reg. 806(1)

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PART 3

**PRESCRIBED MATTER REPORTED ON BY ELECTRICITY
SUPPLY AUTHORITY**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Prescribed matter to be reported on by electricity supply authority</i>	<i>Regulation reference</i>
1	Provision of substations	reg. 311

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Sch. 5

SCHEDULE 5

Regulations 403, 409(1), 410(1),
411(1), 414(1), 421(1), 424(1)

PLANNING SCHEMES

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item number</i>	<i>Name of planning scheme</i>	<i>Name of zone</i>
1	Bayside Planning Scheme	Residential 1 Zone (R1Z) Mixed Use Zone (MUZ)
2	Glen Eira Planning Scheme	Residential 1 Zone (R1Z)
3	Kingston Planning Scheme	Residential 1 Zone (R1Z)
4	Maroondah Planning Scheme	Residential 1 Zone (R1Z)
5	Monash Planning Scheme	Residential 1 Zone (R1Z) Residential 2 Zone (R2Z) Mixed Use Zone (MUZ)

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Sch. 6

SCHEDULE 6

Regulation 1004

TIME LIMITS FOR OCCUPANCY PERMIT APPLICATIONS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item number</i>	<i>Matter</i>	<i>Class 1 building</i>	<i>Class 2-9 buildings</i>	<i>Act provision</i>
1	Relevant building surveyor to give reporting authority copy of an application	3 business days	5 business days	Schedule 2 clause 4(2)
2	Time after receipt of copy of application for reporting authority to report on and consent to an application	5 business days	10 business days	Schedule 2 clause 6
3	Time for relevant building surveyor to decide application after all reporting authority reports and consents are received or the end of the relevant time prescribed for the supply of those reports and consents, whichever is earlier	2 business days	5 business days	section 43 or section 56

SCHEDULE 7

Regulation 1503

**CATEGORIES/CLASSES OF BUILDING PRACTITIONERS AND
QUALIFICATIONS**

- (1) For the purposes of the Table in this Schedule components of domestic building work include, but are not limited to, any of the following work associated with the construction, renovation, improvement, or maintenance of a home—
- (a) the construction or installation of retaining structures, garages, carports, sheds, pergolas, verandahs, patios, stairways, brickwork, internal or external cladding, swimming pools, spas and the like;
 - (b) the provision of lighting, heating, ventilation, air conditioning and electrical services;
 - (c) site work involved in relocating an existing home;
 - (d) door or window installation, sub-floor work, roofing, fencing, bathroom and kitchen renovations and the like.
- (2) 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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
1	Category of building surveyor	(a) a degree in building surveying from a university within the meaning of the Tertiary Education Act 1993 ; and (b) 3 years of practical experience to the satisfaction of the Board

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Sch. 7

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
2	Category of building inspector (unlimited)	<ul style="list-style-type: none"> (a) a diploma in building inspection from a course accredited under the Victorian Qualifications Authority Act 2000; and (b) 2 years of practical experience to the satisfaction of the Board
3	Category of building inspector (limited)	<ul style="list-style-type: none"> (a) the following qualifications— <ul style="list-style-type: none"> (i) a diploma in building inspection from a course accredited under the Victorian Qualifications Authority Act 2000; and (ii) 2 years of practical experience to the satisfaction of the Board; or (b) a certificate issued by the Board, 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
4	Category of quantity surveyor	<ul style="list-style-type: none"> (a) a degree or diploma in quantity surveying from a university within the meaning of the Tertiary Education Act 1993; and (b) 2 years of practical experience to the satisfaction of the Board

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
5	Category of engineer, class of civil engineer	(a) the following qualifications— (i) a degree in civil engineering from a university within the meaning of the Tertiary Education Act 1993 ; and (ii) 3 years of practical experience to the satisfaction of the Board; or (b) a current certificate of registration as a civil engineer on the National Professional Engineers Register (NPER)
6	Category of engineer, class of mechanical engineer	(a) the following qualifications— (i) a degree in mechanical engineering from a university within the meaning of the Tertiary Education Act 1993 ; and (ii) 3 years of practical experience to the satisfaction of the Board; or (b) a current certificate of registration as a mechanical engineer on the National Professional Engineers Register (NPER)
7	Category of engineer, class of electrical engineer	(a) the following qualifications— (i) a degree in electrical engineering from a university within the meaning of the Tertiary Education Act 1993 ; and (ii) 3 years of practical experience to the satisfaction of the Board; or

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
8	Category of engineer, class of fire safety engineer	<p>(b) a current certificate of registration as an electrical engineer on the National Professional Engineers Register (NPER)</p> <p>(a) the following qualifications—</p> <p style="margin-left: 20px;">(i) a degree in fire safety engineering from a university within the meaning of the Tertiary Education Act 1993; and</p> <p style="margin-left: 20px;">(ii) 3 years of practical experience to the satisfaction of the Board; or</p> <p>(b) a current certificate of registration as a fire safety engineer on the National Professional Engineers Register (NPER)</p>
9	Category of draftsman, class of building design (architectural)	<p>(a) an advanced diploma in building design and project administration from a course accredited under the Victorian Qualifications Authority Act 2000; and</p> <p>(b) 1 year of practical experience to the satisfaction of the Board</p>
10	Category of draftsman, class of building design (interior)	<p>(a) an associate diploma of arts—interior design from a course accredited under the Victorian Qualifications Authority Act 2000; and</p> <p>(b) 1 year of practical experience to the satisfaction of the Board</p>

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
11	Category of draftsman, class of building design (services)	<ul style="list-style-type: none"> (a) one of the following qualifications— <ul style="list-style-type: none"> (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 Victorian Qualifications Authority Act 2000; and (b) 1 year of practical experience to the satisfaction of the Board
12	Category of builder, class of commercial builder (unlimited)	<ul style="list-style-type: none"> (a) the following qualifications— <ul style="list-style-type: none"> (i) a degree, diploma or associate diploma of building from a university or TAFE College within the meaning of the Tertiary Education Act 1993; and (ii) 3 years of practical experience to the satisfaction of the Board; or (b) the following qualifications— <ul style="list-style-type: none"> (i) a certificate of successful completion of the "Course in Builder Registration (BPB)" accredited under the Victorian Qualifications Authority Act 2000; and (ii) 3 years of practical experience to the satisfaction of the Board

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
13	Category of builder, class of commercial builder (limited)	a certificate issued by the Board, 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
14	Category of builder, class of domestic builder (unlimited)	<p>(a) the following qualifications—</p> <p style="margin-left: 20px;">(i) a degree, diploma or associate diploma of building from a university or TAFE College within the meaning of the Tertiary Education Act 1993; and</p> <p style="margin-left: 20px;">(ii) 3 years of practical experience to the satisfaction of the Board; or</p> <p>(b) the following qualifications—</p> <p style="margin-left: 20px;">(i) successful completion of the "Course in Builder Registration (BPB)" accredited under the Victorian Qualifications Authority Act 2000; and</p> <p style="margin-left: 20px;">(ii) 3 years of practical experience to the satisfaction of the Board; or</p> <p>(c) a certificate issued by the Board, 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</p>

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S.R. No. 68/2006

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
15	Category of builder, class of domestic builder (limited)	a certificate issued by the Board, 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
16	Category of builder, class of domestic builder (manager)	a certificate issued by the Board, 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
17	Category of builder, class of demolisher (low rise buildings)	a certificate issued by the Board, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to— <ul style="list-style-type: none"> (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

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
18	Category of builder, class of demolisher (medium rise buildings)	a certificate issued by the Board, 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 (b) undertake demolition stripping of any building
19	Category of builder, class of demolisher (unlimited)	a certificate issued by the Board, 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
20	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 certificate issued under the Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 1994; and (b) 1 year of practical experience to the satisfaction of the Board

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Category/prescribed class of building practitioner</i>	<i>Prescribed qualifications</i>
21	Category of erector or supervisor (temporary structures), class 2—special structures—tents, marquees	(a) a certificate issued by the Board, 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 Board

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S.R. No. 68/2006

Sch. 8

SCHEDULE 8

Regulations 1801, 1802

EXEMPTIONS FOR BUILDINGS AND BUILDING WORK

TABLE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Description of building or building work exempted from building permit and occupancy permit</i>	<i>Building regulations that building or building work exempted from</i>
1	<p>Construction of a freestanding Class 10a building that—</p> <ul style="list-style-type: none">(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) is appurtenant to a building of another Class on the same allotment; and(d) is located no further forward on the allotment than the front wall of the building to which it is appurtenant; and(e) is not constructed of masonry.	All Parts
	<p>Note: The consent of a service authority may be required to construct a Class 10a building 10m² or less in area over an easement vested in that authority under another Act or within 1m laterally of any works of a water supply authority.</p>	

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Description of building or building work exempted from building permit and occupancy permit</i>	<i>Building regulations that building or building work exempted from</i>
2	<p>Demolition of a freestanding Class 10 building that—</p> <ul style="list-style-type: none"> (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. <p>Note: This building work may require approval from the Executive Director within the meaning of the Heritage Act 1995 under that Act or of the National Trust of Australia (Victoria).</p> <p>Certain building work that does not require a building permit may require a planning permit under the Planning and Environment Act 1987.</p>	All Parts
3	<p>Repair, renewal or maintenance of a part of an existing building, if the building work—</p> <ul style="list-style-type: none"> (a) will not adversely affect the structural soundness of the building, and does not include— <ul style="list-style-type: none"> (i) an increase or decrease in the floor area or height of the building; or 	All Parts

Building Regulations 2006
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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Description of building or building work exempted from building permit and occupancy permit</i>	<i>Building regulations that building or building work exempted from</i>
	<ul style="list-style-type: none"> (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) is not work carried out on, or in connection with, a building included on the Heritage Register established under the Heritage Act 1995 ; and	
	(e) will not adversely affect an essential safety measure within the meanings of Subdivisions 1 and 2 of Division 1 of Part 12.	
	<p>Note: Certain building work that does not require a building permit may require a planning permit under the Planning and Environment Act 1987 or may be in a heritage overlay and be required to be maintained using particular materials.</p> <p>If the contract price for the carrying out of domestic building work is more than \$5000, the builder is required to enter into a major domestic building contract with the owner under the Domestic Building Contracts Act 1995.</p>	

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Description of building or building work exempted from building permit and occupancy permit</i>	<i>Building regulations that building or building work exempted from</i>
4	<p>Alterations to a building, if the building work—</p> <ul style="list-style-type: none"> (a) will not adversely affect the structural soundness of the building, and does not include— <ul style="list-style-type: none"> (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 within the meanings of Subdivisions 1 and 2 of Division 1 of Part 12. <p>Note: Certain building work that does not require a building permit may require a planning permit under the Planning and Environment Act 1987 or may be in a heritage overlay and be</p>	Parts 2 to 20

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Description of building or building work exempted from building permit and occupancy permit</i>	<i>Building regulations that building or building work exempted from</i>
	<p>required to be maintained using particular materials.</p> <p>If the contract price for the carrying out of domestic building work is more than \$5000, the builder is required to enter into a major domestic building contract with the owner under the Domestic Building Contracts Act 1995.</p>	
5	Any building that is not of a Class listed in clause A3.2 of Volume One of the BCA and clause 1.3.2 of Volume Two of the BCA.	All Parts
6	<p>A building used only temporarily for the duration of building work for—</p> <p style="margin-left: 20px;">(a) construction purposes; or</p> <p style="margin-left: 20px;">(b) display purposes.</p>	All Parts
7	Temporary structures other than those to which regulation 1104 applies.	All Parts
8	A swimming pool with a depth not exceeding 300mm.	All Parts
9	A relocatable swimming pool that is erected temporarily in an area that is enclosed by barriers complying with AS 1926.1—1993 Swimming Pool Safety Part 1: Fencing for swimming pools, published 26 July 1993, as published from time to time.	All Parts
	<p>Note: This exemption applies only to the relocatable swimming pool and not to the barriers.</p>	

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Description of building or building work exempted from building permit and occupancy permit</i>	<i>Building regulations that building or building work exempted from</i>
10	<p>A fence, screen or structure similar to a fence (other than a fence forming part of a safety barrier for a swimming pool or a fence forming part of a children's service outdoor play space)—</p> <p>(a) not exceeding 2m in height; and</p> <p>(b) not exceeding 1.5m in height when within 3m of a street (which is not a lane, footway, alley or right of way) alignment and which is not constructed of masonry, concrete or the like; and</p> <p>(c) not exceeding 1.2m in height when within 3m of a street (which is not a lane, footway, alley or right of way) alignment and which is constructed of masonry, concrete or the like; and</p> <p>(d) not exceeding 1m in height above the footpath when within 9m of a point of intersection of street alignments; and</p> <p>(e) not having barbed wire or the like when adjacent to a street alignment.</p>	All Parts except reg. 424(1) and Schedule 5
11	A chain wire fence surrounding a tennis court.	All Parts
12	<p>Any sign that is—</p> <p>(a) less than 3m from a street alignment and does not exceed 1m in height above ground level; or</p>	All Parts

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Description of building or building work exempted from building permit and occupancy permit</i>	<i>Building regulations that building or building work exempted from</i>
	<ul style="list-style-type: none"> (b) not less than 3m from a street alignment and does not exceed— <ul style="list-style-type: none"> (i) a height of 8m above ground level; and (ii) 6m² in display area. 	
13	<p>Any mast, pole, antenna, aerial or similar Class 10b structure—</p> <ul style="list-style-type: none"> (a) attached to a building and which does not exceed a height of 3m 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 8m. 	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 reg. 606
16	<p>A pergola that—</p> <ul style="list-style-type: none"> (a) is not more than 3.6m in height; and (b) in the case of a pergola that is appurtenant to a Class 1a building, is located no further forward on the allotment than 2.5m forward of the front wall of that building; and 	Parts 2 to 20

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Description of building or building work exempted from building permit and occupancy permit</i>	<i>Building regulations that building or building work exempted from</i>
	<ul style="list-style-type: none"> (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 20m². 	
17	<p>Installation of a wood or solid fuel household heating appliance.</p> <p>Note: Installation of a wood or solid fuel burning heater is plumbing work and must be carried out by a licensed plumber.</p>	Parts 2 to 20
18	<p>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—</p> <ul style="list-style-type: none"> (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

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Sch. 8

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Description of building or building work exempted from building permit and occupancy permit</i>	<i>Building regulations that building or building work exempted from</i>
	<ul style="list-style-type: none"> (e) the building is set back from an allotment boundary not less than 1m; and (f) the building does not exceed a height of 3.6m; and (g) the building work will not involve construction over an easement vested in the council or other authority specified in regulation 310. 	
19	<p>A relocatable building used as a State School (within the meaning of the Education Act 1958), a school (within the meaning of Part III of that Act), or a TAFE Institution (within the meaning of the Vocational and Education Training Act 1990) if—</p> <ul style="list-style-type: none"> (a) the building has a floor area not exceeding 300m²; 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

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**Table of Applied, Adopted or Incorporated Matter Required by
Subordinate Legislation Regulations 2004**

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

In this table—

"Building Code of Australia" means the Building Code of Australia published by the Australian Building Codes Board—

- (a) as amended or remade from time to time; and
- (b) as amended by the Victoria Appendix to that Code published by that Board as that Appendix is amended or remade from time to time;

"Commission" means the Building Commission established under Part 12 of the **Building Act 1993**.

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 105 Definition of "fire performance requirement"	Building Code of Australia	Performance requirement BP1.1, DP2, DP3, DP4 or DP6 (to the extent that it relates to fire safety). 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 Volume One; and

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
		Performance requirement P2.1, P2.3.1 or P2.3.2 of 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)
Regulations 106, 109, 110, 111, 112 and 113	Building Code of Australia	Whole
Regulation 305(b)	Building Code of Australia	Clause A2.2 of Volume One; and Clause 1.2.2 of Volume Two
Regulations 409, 410, 411, 414, 421 and 424 and Schedule 5	Bayside Planning Scheme made under the Planning and Environment Act 1987 as that planning scheme is amended and in force from time to time	Schedule to Residential 1 Zone and Mixed Use Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	<p>Glen Eira Planning Scheme made under the Planning and Environment Act 1987 as that planning scheme is amended and in force from time to time</p> <p>Kingston Planning Scheme made under the Planning and Environment Act 1987 as that planning scheme is amended and in force from time to time</p> <p>Maroondah Planning Scheme made under the Planning and Environment Act 1987 as that planning scheme is amended and in force from time to time</p>	<p>Schedule to Residential 1 Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone</p> <p>Schedule to Residential 1 Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone</p> <p>Schedule to Residential 1 Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone</p>

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	Monash Planning Scheme made under the Planning and Environment Act 1987 as that planning scheme is amended and in force from time to time	Schedule to Residential 1 Zone, Residential 2 Zone and Mixed Use Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones
Regulation 607(1)	AS 2601—2001 The demolition of structures, published 13 September 2001, as published from time to time	Whole
Regulation 609(1)	Building Code of Australia	Section D of Volume One
Regulation 611	Building Code of Australia	Performance requirement P2.3.1 of Volume Two
Regulation 613(1)(a)(i)	AS 2082—2000 Timber—Hardwood—Visually stress-graded for structural purposes, published 7 March 2000, as published from time to time	Whole
Regulation 613(1)(a)(ii)	AS 2858—2004 Timber—Softwood—Visually graded for structural purposes, published 14 April 2004, as published from time to time	Whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 613(1)(a)(iii)	AS/NZS 1748:1997 Timber—Stress-graded—Product requirements for mechanically stress-graded timber, published 5 November 1997, as published from time to time	Whole
Regulation 613(1)(b)(ii)	AS 2082—2000 Timber—Hardwood—Visually stress-graded for structural purposes, published 7 March 2000, as published from time to time AS 2858—2004 Timber—Softwood—Visually graded for structural purposes, published 14 April 2004, as published from time to time	Whole Whole
Regulation 613(1)(b)(iii)	AS 1613—2005 Timber—Colours for marking F-grades, published 13 September 2005, as published from time to time	Whole
Regulation 613(2)(c)	AS 1720.1—1997 Timber structures (SAA Timber Structures Code)—Design methods, published 5 November 1997, as published from time to time	Whole
Regulation 703(b)	AS 1926.1—1993 Fencing for swimming pools, published 26 July 1993, as published from time to time	Whole
Regulation 707(2)	AS 3786—1993 Smoke alarms, published 13 April 1993, as published from time to time	Whole

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 707(3)	Practice Note 2006-27 issued by the Commission in May 2006	Whole
Regulation 708(2)	AS 2118.4—1995 Automatic fire sprinkler systems—Part 4: Residential, published 5 April 1995, as published from time to time	Whole
Regulation 708(3)	Practice Note 2006-07 issued by the Commission in May 2006	Whole
Regulation 709(2)(a)	AS 3786—1993 Smoke alarms, published 13 April 1993, as published from time to time	Whole
Regulation 709(2)(b)	AS 1670.1—2004 Fire detection, warning, control and intercom systems—System design, installation and commissioning—Part 1: Fire, published 29 April 2004 as published from time to time	Whole
Regulation 709(3)	Practice Note 2006-27 issued by the Commission in May 2006	Whole
Regulation 709(5)	Building Code of Australia	Clause 6 of Specification E2.2a of Volume One

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Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 710(7)	Building Code of Australia Practice Note 2006-13 issued by the Commission in May 2006	Clauses E1.4, G4.4 and E4.2 of Volume One. Deemed-to-satisfy provisions of Part E4 of Volume One Whole
Regulation 1202 definition of "essential safety measure"	Building Code of Australia	Tables I1.1 to I1.11 of Volume One, except the item in Table I1.4 relating to artificial lighting; and Clause I1.2 of Volume One
Regulations 1801, 1802 and item 5 of Schedule 8	Building Code of Australia	Clause A3.2 of Volume One Clause 1.3.2 of Volume Two
Regulation 1808(3)	Building Practitioners' Insurance Ministerial Order published 12 May 2005	Whole

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