Version No. 040

**Building Regulations 2006**

**S.R. No. 68/2006**

Version incorporating amendments as at
3 October 2016

**table of provisions**

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**Version No.** **040**

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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

 (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

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Reg. 101(h) revoked by S.R. No. 104/2014 reg. 4.

 (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 Authority and the Building Regulations Advisory Committee; and

Reg. 101(k) amended by S.R. No. 103/2016 reg. 5(1).

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

 102 Authorising provisions

Reg. 102 amended by S.R. No. 37/2014 reg. 4.

These Regulations are made under sections 7, 9, 15A, 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 1851—2012***means AS 1851—2012
Routine service of fire protection systems and equipment, as issued from time to time;

Reg. 105 def. of *AS 1851–2012* inserted by S.R. No. 33/2016 reg. 5.

***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 2419.1*** means AS 2419.1—2005
Fire hydrant installations Part 1: System design, installation and commissioning, as issued or published from time to time;

Reg. 105 def. of *AS 2419.1* inserted by S.R. No. 173/2014 reg. 3.

***AS 3959*** means AS3959—2009 Construction of buildings in bushfire-prone areas, as incorporated for the time being by the BCA;

Reg. 105 def. of *AS 3959* inserted by S.R. No. 114/2016 reg. 5.

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Reg. 105
def. of *AS/NZS* revoked by S.R. No. 136/2006 reg. 3(1)(a).

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

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

Reg. 105
def. of
*BCA*
*Volume One* inserted by S.R. No. 20/2011 reg. 5(1).

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

Reg. 105
def. of
*BCA*
*Volume Two* inserted by S.R. No. 20/2011 reg. 5(1).

***bushfireattack level*** has the same meaning as in AS 3959;

Reg. 105 def. of *bushfire attack level* inserted by S.R. No. 114/2016 reg. 5.

***bushfire performance requirement***means performance requirement P2.3.5 of the BCA Volume Two to the extent that it relates to fire safety for a Class 10c building associated with a Class 1 building;

Reg. 105 def. of *bushfire performance requirement* inserted by S.R. No. 139/2009 reg. 5, substituted by S.R. Nos 22/2011
reg. 5, 73/2011 regs 5, 9.

***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—

Reg. 105
def. of
*fire performance requirement*amended by S.R. Nos 20/2011 reg. 5(2), 51/2014 reg. 4.

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

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

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

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

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

Reg. 105 def. of *planning scheme* inserted by S.R. No. 114/2016 reg. 5.

***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 the BCA Volume One 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).

Reg. 111(1)
amended by S.R. No. 20/2011 reg. 6(a).

 (2) Clause 1.2.2 of the BCA Volume Two 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).

Reg. 111(2)
amended by S.R. No. 20/2011 reg. 6(b).

 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 Authority considers is equivalent to that Certificate; or

Reg. 113(a)(ii) amended by S.R. No. 103/2016 reg. 5(1).

 (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

 (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.

 113ABushfire performance requirements—alternative solutions

Reg. 113A inserted by S.R. No. 139/2009 reg. 6, substituted by S.R. No. 22/2011 reg. 6.

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

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

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

 (c) relies on a certificate of accreditation issued by the Building Regulations Advisory Committee, which states that the alternative solution complies with that performance requirement; or

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

 114 Specific use bushfire protected buildings—Construction requirements

Reg. 114 inserted by S.R. No. 25/2009 reg. 4, revoked by S.R. No. 105/2009 reg. 9,
new reg. 114 inserted by S.R. No. 15/2010 reg. 4, substituted by S.R. No. 15/2010 reg. 8, amended by S.R. No. 20/2011 reg. 7, revoked by S.R. No. 15/2010 reg. 12, new reg. 114 inserted by S.R. No. 114/2016 reg. 6.

 (1) The BCA Volume One applies as if in clause A1.1, after the definition of **Soleoccupancy unit** there were inserted—

"**Specific use bushfire protected building** means—

 (a) a Class 9a or 9c building; or

 (b) a building from which a school within the meaning of section 1.1.3(1) of the **Education and Training Reform Act 2006** is operated; or

 (c) a building from which an *early childhood centre* is operated; or

 (d) a Class 4 part of a building associated with a building referred to in paragraphs (a) to (c); or

 (e) a Class 10a building or deck associated with a building referred to in paragraphs (a) to (c).".

 (2) The BCA Volume One applies as if in Part G5—

 (a) in the **Application** at the foot of clause GP5.1, there were inserted after paragraph (a)—

 "(ab) a *specific use bushfire protected building*; or";

 (b) in clause G5.1, there were inserted after paragraph (a)—

 "(ab) a *specific use bushfire protected building*; or";

 (c) in clause G5.2, there were inserted after paragraph (a)—

 "(ab)a *specific use bushfire protected building*; or".

 115 Private bushfire shelter construction requirements

Reg. 115 inserted by S.R. No. 139/2009 reg. 7, substituted by S.R. Nos 32/2010 reg. 6, 22/2011 reg. 7.

 (1) The BCA Volume One applies as if in clause A1.1 in the definition of "**Private bushfire shelter**", for "Class 1a dwelling" there were substituted"Class 1 building".

 (2) The BCA Volume Two applies as if—

 (a) in clause 1.1.1 in the definition of "**Private bushfire shelter**", for "Class 1a dwelling" there were substituted"Class 1 building";

 (b) in clause O2.3(d), for "Class 1a dwelling" there were substituted"Class 1 building";

 (c) in performance requirement P2.3.5(e) for "associated dwelling" there were substituted "associated Class 1 building";

 (d) in the **Application** at the foot of performance requirement P2.3.5 after "Class 10c building" there were inserted "associated with a Class 1 building".

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Reg. 115A inserted by S.R. No. 73/2011 reg. 6, revoked by S.R. No. 73/2011 reg. 10.

 116 Application of requirements in the BCA Volume One relating to access to buildings for persons with disabilities

Reg. 116
inserted by S.R. No. 20/2011 reg. 8.

 (1) Subject to subregulation (4), if an existing building is to contain a new part that must comply with an access provision, any affected part of the building must be brought into conformity with that access provision.

**Note**

This provision aligns the operation of these Regulations, incorporating the BCA Volume One, with the Disability (Access to Premises−Buildings) Standards 2010 of the Commonwealth. The Disability (Access to Premises−Buildings) Standards 2010 apply the requirements of the Access Code contained in those Standards (being building requirements relating to access to buildings and associated facilities and services for persons with a disability) not only to new parts of buildings but also to the affected parts of buildings that contain new parts. Affected parts of buildings may be in buildings that pre-date the commencement on 1 May 2011 of the access provisions in the BCA Volume One or they may be in buildings constructed after 1 May 2011.

 (2) An access provision that was not in force immediately before 1 May 2011 does not apply to building work carried out under a building permit in respect of which an application was made before 1 May 2011, whether the permit was issued before or after 1 May 2011.

 (3) Despite anything to the contrary in the BCA Volume One, an access provision does not apply to—

 (a) a new part of a Class 1b building if the Class 1b building—

 (i) has fewer than 4 bedrooms that are used for rental accommodation; and

 (ii) was constructed before 1 May 2011, or in respect of which an application for a building permit for construction was made before 1 May 2011; or

 (b) a new part of a Class 2 building if the Class 2 building was constructed before 1 May 2011, or in respect of which an application for a building permit for construction was made before 1 May 2011; or

 (c) the internal parts of a sole-occupancy unit in a Class 2 building; or

 (d) a Class 4 building; or

 (e) a Class 10 building or a new part of a Class 10 building that is associated with—

 (i) a Class 1a building; or

 (ii) a Class 4 part of a building.

 (4) Despite anything to the contrary in these Regulations—

 (a) an access provision does not apply to an affected part of a building if—

 (i) parts of the building are leased to different persons; and

 (ii) one of the persons is responsible for building work to be carried out in respect of the new part of the building; and

 (iii) the new part is leased to that person; and

 (b) the deemed-to-satisfy requirement in Table E3.6b in the BCA Volume One requiring a passenger lift, which travels more than 12 metres, to have a lift floor dimension of not less than 1400mm x 1600mm does not apply if the passenger lift—

 (i) is an existing passenger lift; and

 (ii) is located in a new part or an affected part of a building; and

 (iii) has a lift floor dimension of no less than 1100mm x 1400mm; and

 (c) the deemed-to-satisfy requirements in F2.4(c) and F2.4(e) in the BCA Volume One do not apply to an existing accessible sanitary compartment or an existing sanitary compartment suitable for a person with a disability to the extent that the requirements require a sanitary compartment to comply with AS 1428.1—2009 Design for access and mobility Part 1: General requirements for access—New building work published on 27 November 2009 as incorporated by the BCA Volume One, if the existing sanitary compartment—

 (i) is located in a new part or an affected part of a building; and

 (ii) complies with AS 1428.1—2001 Design for access and mobility Part 1: General requirements for access—New building work published on
5 June 2001.

 (5) In this regulation—

"***access provision*** means—

 (a) a performance requirement—

 (i) that is contained in Section D, Part E3 or Part F2 of the BCA Volume One; and

 (ii) in respect of which there is an equivalent performance requirement contained in the Access Code within the meaning of the Disability (Access to Premises−Buildings) Standards 2010 of the Commonwealth; and

**Note**

The Disability (Access to Premises−
Buildings) Standards 2010 of the Commonwealth are available from the Australian Government Attorney-General's Department website at www.ag.gov.au.

 (iii) to the extent that the performance requirement relates to the provision of access to buildings, and facilities and services within buildings, for persons with disabilities; and

 (b) a provision of a document applied, adopted or incorporated by reference in a performance requirement referred to in paragraph (a);

***affected part***, in relation to a building that is to contain a new part, means—

 (a) the principal pedestrian entrance of the building; and

 (b) any part of the building that is necessary to provide a continuous accessible path of travel from the entrance to the proposed new part;

***new part***, in relation to an existing building, means a part of that building that is to be altered, including an extension to the building, in respect of which an application for a building permit is made on or after 1 May 2011.

**Note**

Under section 160B of the Act a person may apply on the ground of unjustifiable hardship to the Building Appeals Board for a determination that an access provision does not apply, or applies with specified modifications or variations, to a building or land.

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Regs 117, 118
inserted by S.R. No. 51/2014 reg. 5, revoked by S.R. No. 21/2015 reg. 4.

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Regs 119–121 inserted by S.R. No. 173/2014 reg. 4, revoked by S.R. No. 33/2016 reg. 6.

 122 Small live music venue classification

Reg. 122 inserted by S.R. No. 197/2014 reg. 3.

 (1) The BCA Volume One applies as if, in clause A1.1, for paragraph (c)(iii) of the definition of **Assembly building** there were substituted—

 "(iii) a sports stadium, sporting or other club—

but not including a *small live music venue*; or".

 (2) The BCA Volume One applies as if, in clause A1.1, after the definition of **Sitework** there were inserted—

"**Small live music venue** means the whole or the only part of a Class 6 building that has a rise in storeys of no more than 2—

 (a) in which live music entertainment is provided to the public; and

 (b) that has a floor area not greater than 500m2.".

 (3) The BCA Volume One applies as if, at the foot of the definition of **Class 6** in clause A3.2, there were inserted—

"**Note**

A Class 6 building or part of a Class 6 building in which people assemble for entertainment purposes remains a Class 6 building or part of a Class 6 building if it is a *small live music venue*—see the definition of **Assembly building**."

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Regs 123, 124 inserted by S.R. No. 157/2015 reg. 4, revoked by S.R. No. 33/2016 reg. 7.

Part 2—Owner builders

 201 Applications for certificate of consent

Reg. 201 substituted by S.R. No. 103/2016 reg. 6.

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

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

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

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

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

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

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

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

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

 (h) if the applicant intends to seek an exemption under section 25E(4) of the Act, details of the grounds on which the exemption is sought.

 201A Information to accompany application for certificate of consent

Reg. 201A inserted by S.R. No. 103/2016 reg. 7.

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

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

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

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

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

 201B Additional information to accompany application for certificate of consent if land is owned by body corporate

Reg. 201B inserted by S.R. No. 103/2016 reg. 7.

For the purposes of section 25C(2)(c)(i) of the Act, an application for a certificate of consent must be accompanied by the following information in addition to the information required under regulation 201A, if the land to which the application relates is owned by a body corporate—

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

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

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

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

 201C Additional information to accompany application for certificate of consent if land is subject to trust

Reg. 201C inserted by S.R. No. 103/2016 reg. 7.

For the purposes of section 25C(2)(c)(i) of the Act, an application for a certificate of consent must be accompanied by the following information in addition to the information required under regulation 201A, if the land to which the application relates is the subject of a trust—

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

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

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

**Note**

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

 202 Fee for an application for certificate of consent

Reg. 202 amended by S.R. Nos 115/2007 reg. 4, 126/2008 reg. 4, 79/2009 reg. 4, 50/2010 reg. 5, 48/2011 reg. 5, 63/2012 reg. 5, 80/2013 reg. 5, 104/2014 reg. 5, substituted by S.R. No. 103/2016 reg. 8.

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

 202A Required knowledge for owner-builders

Reg. 202A inserted by S.R. No. 103/2016 reg. 8.

For the purposes of section 25E(1)(ab) of the Act, the knowledge of the duties and responsibilities of an owner-builder set out in Schedule 10 is prescribed.

 203 Information in certificate of consent

Reg. 203 substituted by S.R. No. 103/2016 reg. 9.

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

 (a) the date of issue of the certificate;

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

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

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

 (e) an identification number of the certificate;

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

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

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

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

 204 Register of certificates of consent

Reg. 204 substituted by S.R. No. 103/2016 reg. 10.

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

 (a) the date of issue of the certificate;

 (b) the identification number of the certificate;

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

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

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

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

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

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

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

Reg. 205 inserted by S.R. No. 103/2016 reg. 10.

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

 (a) the date of issue of the certificate;

 (b) the identification number of the certificate;

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

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

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

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 subregulation (2); and

 (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

 (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 subregulation (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

 (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 subregulation (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

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

Reg. 305(b)
amended by S.R. No. 20/2011 reg. 9.

 (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 Authority under the Act or is an architect registered under the **Architects Act 1991** or is an insured architect (as the case requires); and

Reg. 305(f) amended by S.R. No. 103/2016 reg. 5(1).

 (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 810; or

Reg. 305(g)(iii) revoked by S.R. No. 25/2009 reg. 5(1),
new reg. 305(g)(iii) inserted by S.R. No. 25/2009 reg. 8(1), revoked by S.R. No. 15/2010 reg. 5(1), new reg. 305(g)(iii) inserted by S.R. No. 15/2010 reg. 10(1), amended by S.R. No. 92/2011 reg. 4.

 (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

 (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;

Reg. 308(2)(a) amended by S.R. No. 105/2009 regs 4, 8.

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

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

 309A Requirements for permits involving bushfire safety matters

Reg. 309A inserted by S.R. No. 105/2009 reg. 5, revoked by S.R. No. 105/2009 reg. 10, new reg. 309A inserted by S.R. No. 82/2010 reg. 4.

 (1) The report and consent of the chief officer must be obtained to an application for a building permit if—

 (a) the permit involves the provision of a static water supply or access to emergency vehicles for a Class 1a building destroyed in bushfires between 1 January 2009 and 31 March 2009 (inclusive); and

 (b) the allotment on which the building is located is subject to a Bushfire Management Overlay under the planning scheme applying to that allotment; and

Reg. 309A (1)(b) amended by S.R. Nos 104/2014 reg. 6, 114/2016 reg. 7.

 (c) a permit is not required under the planning scheme for the construction of the building; and

 (d) the static water supply and access for emergency vehicles do not comply with the requirements of regulation 808 or 809 (as the case requires).

 (2) In a report under subregulation (1), the chief officer may consent to a variation of the requirements of regulation 808 or 809 if the chief officer is satisfied that a satisfactory degree of bushfire safety is achieved.

 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 responsible authority under the **Planning and Environment Act 1987** as reporting authority of an application for a building permit referred to it under section 29A of the Act for report and consent is 4·60 fee units.

Reg. 312(1) amended by S.R. Nos 115/2007 reg. 5(a), 126/2008 reg. 5(a), 79/2009 reg. 5(a), 50/2010 reg. 6(a), 48/2011 reg. 6(a), 63/2012 reg. 6(a), substituted by S.R. No. 80/2013 reg. 6(1), amended by S.R. No. 104/2014 reg. 7(1).

 (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 18·43 fee units.

Reg. 312(2) amended by S.R. Nos 115/2007 reg. 5(b), 126/2008 reg. 5(b), 79/2009 reg. 5(b), 50/2010 reg. 6(b), 48/2011 reg. 6(b), 63/2012 reg. 6(b), 80/2013 reg. 6(2)(a), 104/2014 reg. 7(2).

 (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 4·60 fee units.

Reg. 312(3) amended by S.R. Nos 115/2007 reg. 5(c), 126/2008 reg. 5(c) 79/2009 reg. 5(c), 50/2010 reg. 6(c), 48/2011 reg. 6(c), 63/2012 reg. 6(c), 80/2013 reg. 6(2)(b), 104/2014 reg. 7(3).

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.

 (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 building work

Reg. 315 substituted by S.R. No. 104/2016 reg. 5.

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

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

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

 (2) If a building permit is issued, the building work must be completed—

 (a) in the case of a building permit to reerect a building, within 12 months after the date of issue of the building permit; or

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

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

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

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

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

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

 (4) A building permit lapses if the building work authorised by that permit has not—

 (a) commenced within the period specified in subregulation (1); or

 (b) been completed within the period specified in subregulation (2).

 (5) The relevant building surveyor may extend the period specified in subregulation (1) or (2) if—

 (a) the building permit has not lapsed; and

 (b) the relevant building surveyor considers that the extent of the building work warrants an extension.

**Note**

Regulation 604(3) requires all excavations to be fenced or otherwise guarded against being a danger to life or property before and during the carrying out of building work.

 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.

* 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.

* 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.

* 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;

 (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;

 (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

Reg. 320 amended by S.R. Nos 115/2007 reg. 6, 126/2008 reg. 6, 79/2009 reg. 6, 50/2010 reg. 7, 48/2011 reg. 7, 63/2012 reg. 7, 80/2013 reg. 7, substituted by S.R. No. 104/2014 reg. 8.

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 lodging documents in relation to a building permit for building work with a cost of $5000 or more is 2·75 fee units.

 321 Building permit levies

Reg. 321 substituted by S.R. No. 37/2014 reg. 5.

 (1) If the relevant building surveyor receives an amount of levy under Subdivision 4 of Division 2 of Part 12 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 account of the Victorian Building Authority 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 Authority, in a form approved by the Authority, the information set out in subregulation (2).

 (2) For the purposes of section 205J(1) of the Act, in addition to the information set out in section 205J(1)(d)(i) and (ii) of the Act, the following information is required to be given to the Authority in 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 draftsperson 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

Reg. 322 amended by S.R. No. 37/2014 reg. 6.

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

 (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

 (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 subregulation (1) begins on the date of issue of the building permit for the building or work.

 (3) Subregulation (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

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

Reg. 326(2)(c) revoked by S.R. No. 25/2009 reg. 5(2), new reg. 326(2)(c) inserted by S.R. No. 25/2009 reg. 8(2), revoked by S.R. No. 15/2010 reg. 5(2), new reg. 326(2)(c) inserted by S.R. No. 15/2010 reg. 10(2), substituted by S.R. No. 92/2011 reg. 5, amended by S.R. No. 114/2016 reg. 8.

 (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

Reg. 327 amended by S.R. Nos 115/2007 reg. 7, 126/2008 reg. 7, 79/2009 reg. 7, 50/2010 reg. 8, 48/2011 reg. 8, 63/2012 reg. 8, 80/2013 reg. 8, 104/2014 reg. 9.

The fee for the provision of information under regulation 326(1), 326(2) or 326(3) is 3·67 fee units.

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.

 \* \* \* \* \*

Reg. 403 revoked by S.R. No. 114/2016 reg. 9.

 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, subregulation (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.

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

Reg. 408(1A) inserted by S.R. No. 49/2016 reg. 4(1).

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

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

 (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.

 (4) In this regulation—

Reg. 408(4) inserted by S.R. No. 49/2016 reg. 4(2).

***battleaxe allotment*** means—

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

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

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

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

 409 Minimum street setbacks

 (1) If—

Reg. 409(1) amended by S.R. No. 37/2014 reg. 7(2).

 (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and

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

Reg. 409(1)(b) amended by S.R. No. 37/2014 reg. 7(1).

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 that Schedule.

 (2) If subregulation (1) does not apply, a building must be set back from a street alignment not less than the distance specified in respect of that alignment in Table 409.

**TABLE 409—STREET SETBACKS**

| *Adjoining development context* | *Minimum setback from front street alignment* | *Minimum setback from a side street alignment* |
| --- | --- | --- |
| Existing dwellings on adjoining allotments facing the same street | The average distance of the setbacks of the front walls of the existing buildings on the adjoining allotments facing the front street, or 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 road4m for a building facing any other street | Not applicable |
| Corner allotmentIf there is a building on the adjoining allotment facing the same street | The same distance as the setback of the front wall of the existing building on the adjoining allotment facing the front street, or 9m, whichever is the lesser | The same distance as the setback of the front wall of the existing building on the adjoining allotment facing the side street or 2m, whichever is the lesser |
| Corner allotmentIf there is no building on the adjoining allotment facing the same street | 6m for a building facing a declared road4m for a building facing any other street | 2m |

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

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

 (b) eaves, fascia and gutters;

 (c) sunblinds and shade sails;

 (d) screens referred to in regulation 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—

Reg. 410(1) substituted by S.R. Nos 37/2014 reg. 8, 162/2014 reg. 4.

 (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and

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

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

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

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

 (b) 9m in any other case.

 (3) If a wall is constructed in accordance with regulation 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—

Reg. 411(1) amended by S.R. No. 37/2014 reg. 9(2).

 (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and

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

Reg. 411(1)(b) amended by S.R. No. 37/2014 reg. 9(1).

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

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

 (3) When calculating site coverage under subregulation (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

Reg. 412 substituted by S.R. No. 37/2014 reg. 10.

 (1) If—

 (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and

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

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

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

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

 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 subregulation (2), if the 2 required car parking spaces adjoin each other in a garage or carport or in a space constrained by walls, the 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—

Reg. 414(1) amended by S.R. No. 37/2014 reg. 11(2).

 (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and

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

Reg. 414(1)(b) amended by S.R. No. 37/2014 reg. 11(1).

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

 (2) If subregulation (1) does not apply, a building must be set back from a side or rear boundary not less than the distance specified in respect of that boundary in Table 414.

**TABLE 414—SIDE AND REAR SETBACKS**

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

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

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

 (b) unroofed stairways and ramps;

 (c) pergolas;

 (d) shade sails;

 (e) eaves, fascia, 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 to reg. 414 revoked by S.R. No. 37/2014 reg. 11(3).

 415 Walls and carports on boundaries

Reg. 415 amended by S.R. No. 161/2013 reg. 3, substituted by S.R. No. 37/2014 reg. 12.

 (1) This regulation applies to the construction of—

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

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

 (2) If—

 (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and

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

the wall, or carport, or the wall and carport or the length combined with the length of any existing wall or carport must not exceed the length specified in that Schedule.

 (3) If subregulation (2) does not apply, the length of the wall, or of the carport, or of the wall and carport or 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 the adjoining allotment; or

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

 (4) The wall or carport must not exceed—

 (a) an average height of 3⋅2m; and

 (b) a maximum height of 3⋅6m.

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

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

 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 subregulation (1) may include land on the adjoining allotment.

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

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

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

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

**Note**

The following diagram illustrates the operation of aspects of regulation 416(3).

**Regulation 416: Daylight to existing windows**

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 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.

 (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**

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

 (3) For the purposes of subregulation (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 subregulation (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 subregulation (1), the amount of sunlight to that area must not be further reduced by the construction of the building.

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

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

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

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

 (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.

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

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

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

 (c) the ground level below; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 (10) In this regulation—

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

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

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

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

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

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

 421 Private open space

 (1) If—

Reg. 421(1) amended by S.R. No. 37/2014 reg. 13(2).

 (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and

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

Reg. 421(1)(b) amended by S.R. No. 37/2014 reg. 13(1).

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

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

 (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 subregulation (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—

Reg. 424(1) amended by S.R. No. 37/2014 reg. 14(2).

 (a) an allotment is in a zone of a planning scheme specified in Schedule 5; and

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

Reg. 424(1)(b) amended by S.R. No. 37/2014 reg. 14(1).

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

 (2) If subregulation (1) does not apply, the height of a fence, or part of a fence, that is within 3m of the street alignment at the front of that allotment must not exceed the relevant maximum height specified in Table 424.

**TABLE 424—FRONT FENCE HEIGHTS**

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

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

 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**

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

 (2) 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 either regulation 415(2) or (3) (as the case requires), must not exceed the greater of the following lengths—

Reg. 426(1) amended by S.R. No. 162/2014 reg. 5.

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

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

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

 (a) an average height of 3m; and

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

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

 (4) This regulation does not apply to a fence if it is—

 (a) constructed on or within 150mm of a boundary that is a side or rear street alignment; or

 (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 subregulation (1) may include land on the adjoining allotment.

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

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

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

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

 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**

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

 (3) For the purposes of subregulation (1), a northfacing 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 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 subregulation (1), the amount of sunlight to that area must not be further reduced by the construction of the fence.

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

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

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

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

 (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.

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 subregulation (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 subregulation (1) applies is deemed to be an allotment for the purposes of these Regulations.

 (4) The municipal building surveyor may revoke a statement under subregulation (1) if there is a change of circumstances that would significantly affect any of the matters referred to in subregulation (2).

 (5) A private building surveyor may exercise the powers of the municipal building surveyor under subregulations (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 subregulation (1).

 (3) In deciding to issue a statement under subregulation (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 subregulations (2) and (3) in the case of building work for which the private building surveyor has been appointed to issue a building permit.

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 subregulation (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.

 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 alignmentat 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;

 (j) a window shutter;

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

 (l) a service cabinet door.

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

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

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

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

 (b) the relevant planning scheme regulates the projection of the part of the buildingbeyond 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

 (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 subregulation (1), prohibit the use of any material that—

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

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

 (3) Tests under subregulation (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.

 (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.

 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

 (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 adversely affected by any excavation or filling of soil on the allotment.

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

* 10 penalty units.

 (3) Subregulation (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 subregulation (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 regulations 116(4) and 609, building work to alter an existing building must comply with these Regulations.

Reg. 608(2)
amended by S.R. No. 20/2011 reg. 10(1).

 (3) Subject to regulation 116(4), 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.

Reg. 608(3)
amended by S.R. No. 20/2011 reg. 10(2).

 (4) The relevant building surveyor may consent to partial compliance with subregulation (2) or (3).

**Note**

The relevant building surveyor, when deciding whether to give a consent under subregulation (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.

 \* \* \* \* \*

Reg. 608(4A) inserted by S.R. No. 73/2011 reg. 7, revoked by S.R. No. 73/2011 reg. 10.

 (5) In determining whether to consent to partial compliance with subregulation (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.

 (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 subregulation (1).

 (3) In determining whether to consent to partial compliance with subregulation (1) the relevant building surveyor must take into account the requirements necessary to make reasonable provision for—

 (a) the amenity of the building; and

 (b) the safety and health of people using the building.

 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.

Division 2—Special provisions

 611 Extension of non-complying external wall

Reg. 611
amended by S.R. No. 20/2011 reg. 11.

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 the BCA Volume Two.

 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 piledriving operations forward the complete records of the pile-driving operations to the relevant building surveyor.

* 10 penalty units.

 613 Branding of timber

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

Reg. 613(1)
amended by S.R. No. 20/2011 reg. 12.

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

 (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 Fgrades, 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

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

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 subregulation (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.

 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.

* 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 subregulation (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 soleoccupancy 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.

 (3) The appropriate locations referred to in subregulation (2) must be as determined in accordance with Practice Note 2006-27 issued by the Building Commission in May 2006.

**Note**

Note to reg. 707(3) inserted by S.R. No. 37/2014 reg. 15.

The Victorian Building Authority became the successor in law to the Building Commission on 1 July 2013.

 (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**

Note to reg. 708(1)
amended by S.R. No. 20/2011 reg. 13.

The term ***residential care building*** is defined in clause Vic A1.1 of the Appendix Victoria set out in the Appendices to the BCA Volume One.

 (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 subregulation (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 2008-07 issued by the Building Commission in 2008.

Reg. 708(3) amended by S.R. No. 37/2014 reg. 16(1).

**Note**

Note to reg. 708(3) inserted by S.R. No. 37/2014 reg. 16(2).

The Victorian Building Authority became the successor in law to the Building Commission on 1 July 2013.

 (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.

 (3) The installation and the appropriate locations of smoke alarms referred to in subregulation (2)(a) must be in accordance with Practice Note 2006-27 issued by the Building Commission in May 2006.

**Note**

Note to reg. 709(3) inserted by S.R. No. 37/2014 reg. 17.

The Victorian Building Authority became the successor in law to the Building Commission on 1 July 2013.

 (4) For the purposes of subregulation (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 subregulation (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 the BCA Volume One.

Reg. 709(5)
amended by S.R. No. 20/2011 reg. 14.

 (6) For the purposes of subregulation (5), clause 6 of Specification E2.2a of the BCA Volume One must be applied to a Class 1b building as if the building were a Class 3 building.

Reg. 709(6)
amended by S.R. No. 20/2011 reg. 14.

 \* \* \* \* \*

Reg. 709(7) revoked by S.R. No. 136/2006 reg. 3(1)(b).

 (8) This regulation must be complied with by the owner of the building.

 (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**

Note to reg. 710(1)
amended by S.R. No. 20/2011 reg. 15(1).

The term ***shared accommodation building*** is defined in clause Vic A1.1 of the Appendix Victoria set out in the Appendices to the BCA Volume One.

 (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.

 \* \* \* \* \*

Reg. 710(3) revoked by S.R. No. 37/2014 reg. 18(1).

 (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.

 (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 least2 exits is available—

is not more than 6m; and

 (b) that has a fire hose reel system in accordance with clause E1.4 of the BCA Volume One 2013 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

Reg. 710(6)(b)
amended by S.R. Nos 20/2011 reg. 15(2), 51/2014 reg. 6(1).

 (c) that has emergency lighting in accordance with clause G4.4 or clause E4.2 of the BCA Volume One (as appropriate); and

Reg. 710(6)(c)
amended by S.R. No. 20/2011 reg. 15(2).

 (d) that has exit signs in accordance with the deemed-to-satisfy provisions of Part E4 of the BCA Volume One; and

Reg. 710(6)(d)
amended by S.R. No. 20/2011 reg. 15(2).

 (e) that has a management plan in accordance with Practice Note 2008-13 issued by the Building Commission in November 2008.

Reg. 710(6)(e) amended by S.R. No. 37/2014 reg. 18(2).

**Note**

Note to reg. 710(6)(e) inserted by S.R. No. 37/2014 reg. 18(3).

The Victorian Building Authority became the successor in law to the Building Commission on 1 July 2013.

 (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—

 (i) to the nearest exit; or

 (ii) to a point from which travel in different directions to at least2 exits is available—

is not more than 6m; and

 (b) that has building elements with a fire-resistance level of not less than 60/60/60 separating each sole-occupancy unit from—

 (i) a public corridor, public lobby or the like; or

 (ii) a room not within the sole-occupancy unit; or

 (iii) the landing of an internal non-fire-isolated stairway; or

 (iv) another sole-occupancy unit; and

 (c) any doorways from each sole-occupancy unit that provide access to a public corridor, public stairway, internal non-fire-isolated stairway or the like are protected with a selfclosing fire door having a fire-resistance level of not less than -/30/30; and

 (d) that has a fire hose reel system in accordance with clause E1.4 of the BCA Volume One 2013; and

Reg. 710(7)(d)
amended by S.R. Nos 20/2011 reg. 15(2), 51/2014 reg. 6(1).

 (e) that has emergency lighting in accordance with clause G4.4 or clause E4.2 of the BCA Volume One (as appropriate); and

Reg. 710(7)(e)
amended by S.R. No. 20/2011 reg. 15(2).

 (f) that has exit signs in accordance with the deemed-to-satisfy provisions of Part E4 of the BCA Volume One; and

Reg. 710(7)(f)
amended by S.R. No. 20/2011 reg. 15(2).

 (g) that has a management plan in accordance with Practice Note 2008-13 issued by the Building Commission in November 2008.

Reg. 710(7)(g) amended by S.R. No. 37/2014 reg. 18(2).

**Note**

Note to reg. 710(7)(g) inserted by S.R. No. 37/2014 reg. 18(3).

The Victorian Building Authority became the successor in law to the Building Commission on 1 July 2013.

 (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.

 (9) In subregulations (6)(b) and (7)(d)—

Reg. 710(9) inserted by S.R. No. 51/2014 reg. 6(2).

***BCA Volume One 2013*** means BCA Volume One as published and in effect on 1 May 2013.

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 subregulation (1) if a permit for the construction, installation or alteration of the septic tank system that is relevant to the application has been issued under Part IXB of the **Environment Protection Act 1970**.

 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 as being in an area liable to flooding; or

Reg. 802(2)(b) amended by S.R. No. 114/2016 reg. 10.

 (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 subregulation (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 subregulation (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.

 (6) In its report under subregulation (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 subregulation (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 thesewerage authority for that site of the floor level (if any) specified under subregulation (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 the BCA Volume One and performance requirement P2.1 of the BCA Volume Two—

Reg. 803(2)
amended by S.R. No. 20/2011 reg. 16.

 (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 subregulation (1); and

 (b) a detached Class 10 building is not required to be protected against termite attack.

 \* \* \* \* \*

Reg. 804 revoked by S.R. No. 25/2009 reg. 6, new reg. 804 inserted by S.R. No. 25/2009 reg. 9, substituted by S.R. No. 15/2010 regs 6, 11, revoked by S.R. No. 92/2011 reg. 6.

 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 orworks.

 (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 subregulation (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 Authority within 7 days if a designated special area within its municipal district is altered or if a new designated special area is created.

Reg. 807(3) amended by S.R. No. 37/2014 reg. 19(1).

 (4) The relevant council must lodge with the Authority within 7 days copies of designated special areas maps amended or prepared under subregulation (1) or (2).

Reg. 807(4) amended by S.R. No. 37/2014 reg. 19(2).

 (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 ofregulation 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

 \* \* \* \* \*

Reg. 807(6)(c) revoked by S.R. No. 25/2009 reg. 5(3), new reg. 807(6)(c) inserted by S.R. No. 25/2009 reg. 8(3), revoked by S.R. No. 15/2010 reg. 5(3), new reg. 807(6)(c) inserted by S.R. No. 15/2010 reg. 10(3), revoked by S.R. No. 92/2011 reg. 6.

 (d) an area determined as likely to be subject to significant snowfalls under regulation 805; or

 (e) designated land or works within the meaning ofregulation 806.

 808 Water supply for fire fighting purposes

Reg. 808 inserted by S.R. No. 105/2009 reg. 6, revoked by S.R. No. 105/2009 reg. 10, new reg. 808 inserted by S.R. No. 82/2010 reg. 5.

 (1) This regulation applies if—

 (a) construction of a Class 1a building is proposed on the same allotment as a Class 1a building that was destroyed in bushfires between 1 January 2009 and 31 March 2009 (inclusive); and

 (b) the allotment is subject to a Bushfire Management Overlay under the planning scheme applying to that allotment; and

Reg. 808(1)(b) amended by S.R. Nos 104/2014 reg. 10, 114/2016 reg. 11(1).

 (c) a permit is not required under the planning scheme for the construction of the building.

 (2) A static water supply for fire fighting purposes must be provided on an allotment to which this regulation applies in accordance with this regulation.

 (3) The static water supply must be—

 (a) used solely for fire fighting purposes; and

 (b) able to hold 10 000 litres in onsite static storage located on the allotment; and

 (c) located within 60m of the building; and

 (d) situated so as to enable emergency services vehicles access to within 4m of the water supply outlet.

 (4) If the static water supply is not able to be readily seen from the building or access driveway, a sign in or to the like effect of the sign illustrated in the diagram at the foot of this regulation must be located on the allotment so that it is—

 (a) easily seen by persons operating emergency vehicles; and

 (b) pointing in the direction of the water supply.



Diagram—Sign indicating static water supply location

 (5) All below-ground water pipelines relating to the static water supply must be installed to the depths of—

 (a) 300mm if subject to vehicle traffic; or

 (b) 75mm if under a house or concrete slab; or

 (c) 225mm in all other locations.

 (6) All fixed above-ground water pipelines and fittings relating to the static water supply, including the water supply, must be constructed of non-corrosive and noncombustible materials, or be protected from the effects of radiant heat and flame.

 (7) If the static water supply is above ground, the following additional requirements apply—

 (a) there must be at least one pipe fitting no less than 64mm, 3 thread/25mm  50mm nominal bore British Standard Pipe (BSP) round male coupling;

 (b) all pipe work and valving between the water supply and the water supply outlet must be no less than 50mm nominal bore;

 (c) if the water supply is less than 20m from the building, each outlet must face away from the building to allow access during emergencies.

 (8) This regulation does not apply if—

 (a) the bushfire attack level of the allotment is determined as LOW or 12·5 in accordance with AS 3959; and

Reg. 808(8)(a) substituted by S.R. No. 114/2016 reg. 11(2).

 (b) there is a fire hydrant connected to a reticulated water supply within 120m of the rear of the building.

 809 Access for emergency vehicles

Reg. 809 inserted by S.R. No. 105/2009 reg. 6, revoked by S.R. No. 105/2009 reg. 10, new reg. 809 inserted by S.R. No. 82/2010 reg. 5.

 (1) This regulation applies if—

 (a) construction of a Class 1a building is proposed on the same allotment as a Class 1a building that was destroyed in bushfires between 1 January 2009 and 31 March 2009 (inclusive); and

 (b) that allotment is subject to a Bushfire Management Overlay under the planning scheme applying to that allotment; and

Reg. 809(1)(b) amended by S.R. Nos 104/2014 reg. 11, 114/2016 reg. 12.

 (c) a permit is not required under the planning scheme for the construction of the building.

 (2) The driveway to the building must be designed to allow an emergency vehicle access in accordance with this regulation.

 (3) The driveway must be designed so that—

 (a) any curves in the driveway have a minimum inner radius of 10m; and

 (b) the average grade for the driveway be no more than 1 in 7 (14⋅4%) (8⋅1o) with a maximum of no more than 1 in 5 (20%) (11⋅3o) for no more than 50m; and

 (c) any dips in the driveway have no more than a 1 in 8 (12⋅5%) (7⋅1o) entry and exit angle.

 (4) If the driveway from the road to the building or static water supply for fire fighting purposes (within the meaning of regulation 808), including gates, bridges and culverts, is greater than 30m in length, the driveway must—

 (a) be designed, constructed and maintained for a load limit of at least 15 tonnes and be of all weather construction; and

 (b) provide a minimum trafficable width of 3⋅5m, and be clear of encroachments 4m vertically.

 (5) If the driveway is longer than 100m, a turning area for emergency vehicles close to the building must be provided for by either—

 (a) a turning circle with a minimum radius of 8m; or

 (b) the driveway encircling the building; or

 (c) a T head or Y head with a minimum forced surface of each leg being 8m in length measured from the centre point of the head and 4m trafficable width.

**Note**

The following diagrams illustrate aspects of subregulation (5)(c).

8m

8m

4m

8m

8m

4m

4m

 Diagram—Y head Diagram—T head

 (6) If the driveway is longer than 200m, passing bays must be provided every 200m and must—

 (a) be 20m long; and

 (b) have a trafficable width of 6m.

 810 Designated bushfire prone areas

Reg. 810 inserted by S.R. No. 92/2011 reg. 7.

 (1) The Minister may determine that areas which are subject, or which are likely to be subject, to bushfires are designated bushfire prone areas.

 (2) A determination under subregulation (1) must be published in the Government Gazette and takes effect on the day of publication or any later day specified in the determination.

 (3) The Minister must prepare a map that describes all areas that are designated from time to time as bushfire prone areas by any determination under subregulation (1).

**Note**

The map prepared for the purpose of this subregulation, including the map as amended from time to time, will be published on the Land Channel website www.land.vic.gov.au.

 (4) If the Minister alters a designated bushfire prone area or creates a new designated bushfire prone area in a determination under subregulation (1), the Minister must, as soon as practicable after making the determination, amend the map prepared under subregulation (3) to describe the altered designated bushfire prone area or the new designated bushfire prone area (as the case requires).

 (5) The Minister must make a copy of any map prepared under this regulation available for inspection by members of the public without charge during normal office hours at the Authority.

Reg. 810(5) amended by S.R. No. 37/2014 reg. 19(3).

 (6) The Minister must, as soon as practicable after preparing any map under this regulation, give a copy of the map to each council in respect of which a designated bushfire prone area described by the map is wholly or partially within the council's municipal district.

 (7) A council must make a copy of the most recent map given to it under subregulation (6) available for inspection by members of the public without charge during business hours at the office of that council.

 811 Relevant building surveyor must accept bushfire attack level in planning scheme or site assessment for planning permit

Reg. 811 (Heading) amended by S.R. No. 114/2016 reg. 13.

Reg. 811 inserted by S.R. No. 92/2011 reg. 7.

 (1) Despite anything to the contrary in the BCA, if a building is to be constructed in a designated bushfire prone area and the bushfire attack level for the site is specified in a planning scheme applying to that site, the relevant building surveyor must accept that bushfire attack level for the purpose of determining the construction requirements that are applicable to the building.

 (2) Despite anything to the contrary in the BCA, if a building is to be constructed in a designated bushfire prone area and¾

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

 (b) a site assessment for the purpose of determining the bushfire attack level for the site has been considered as part of the application for the planning permit¾

the relevant building surveyor must accept that site assessment for the purpose of determining the bushfire attack level of the site and the construction requirements that are applicable to the building.

 \* \* \* \* \*

Reg. 811(3)(4) revoked by S.R. No. 114/2016 reg. 14.

 812 Relevant building surveyor must accept bushfire attack level of 12·5

Reg. 812 inserted by S.R. No. 114/2016 reg. 14.

 (1) Despite anything to the contrary in the BCA, if—

 (a) a building is to be constructed in a designated bushfire prone area; and

 (b) the bushfire attack level for the site is—

 (i) determined as LOW by the relevant building surveyor; or

 (ii) accepted by the relevant building surveyor as LOW under regulation 811—

the relevant building surveyor must accept that the bushfire attack level is 12·5 when determining the construction requirements that are applicable to the building.

 (2) In this regulation, ***building*** means—

 (a) a Class 1, 2 or 3 building; or

 (b) a Class 10a building or deck that is associated with a Class 1, 2 or 3 building; or

 (c) a specific use bushfire protected building.

**Note**

Regulation 114 inserts a definition of **Specific use bushfire protected building**into the BCA Volume One.

Part 9—Inspections, notices, directions and orders

Pt 9 (Heading) substituted by S.R. No. 63/2016 reg. 5.

 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 subregulation (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 subregulation (1) or (2) must be set out in the building permit for that building work.

 902 Keeping and availability of directions to fix building work—relevant building surveyor

Reg. 902 substituted by S.R. No. 63/2016 reg. 6.

The relevant building surveyor must—

 (a) keep a copy of each written direction to fix building work that the relevant building surveyor gives under Division 2 of Part 4 of the Act until the earlier of the following—

 (i) an occupancy permit or certificate of final inspection relating to the building work has been issued;

 (ii) the direction has been revoked;

 (iii) the direction has been quashed or set aside by the Building Appeals Board; and

 (b) make those directions available for inspection during that period by any person during office hours.

 902A Person to whom authorised person must give documents under section 37J of the Act

Reg. 902A inserted by S.R. No. 63/2016 reg. 6.

For the purposes of section 37J of the Act, the relevant building surveyor is a prescribed person to whom an authorised person must give the documents set out in that section.

 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.

 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.

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 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 subregulation (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.

* 10 penalty units.

 1008 Approved location for display of permit

 (1) Subject to subregulation (3), the relevant building surveyor must ensure that a location approved within a building for the purposes ofregulation1007 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 ofregulation 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.

* 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.

Reg. 1011(1) substituted by S.R. No. 73/2011 regs 8(1), 11(1).

Penalty: 10 penalty units.

 (2) Despite subregulation (1), the municipal building surveyor may exempt a building or place of public entertainment from compliance with any of these Regulations applicable to the new use.

 \* \* \* \* \*

Reg. 1011(2A) inserted by S.R. No. 73/2011 reg. 8(2), revoked by S.R. No. 73/2011 reg. 11(2).

 (3) In deciding whether to grant an exemption under subregulation (2) the municipal building surveyor must take into account—

 (a) the structural adequacy of the building or place; 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

 (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.

* 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;

 (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 regulationsthat 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—

 (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.

Part 11—Places of public entertainment

 1101 Application

This Part applies to any place of public entertainment.

 1102 Prescribed classes of buildings or places

Reg. 1102 substituted by S.R. No. 97/2013
reg. 3.

 (1) 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 500 m² and prescribed temporary structures are prescribed classes of buildings; and

 (b) places having an area greater than 500 m² are a prescribed class of places unless—

 (i) the place is used for the purposes of conducting an event or activity which is organised and controlled by a ***community-based organisation***; and

 (ii) the number of persons in the place at any one time during the event or activity does not exceed 5000.

**Example**

A place used for a public market conducted by a Rotary club would not be a place of the class of places prescribed under paragraph (b) if the number of persons in the place at any one time did not exceed 5000.

 (2) For the purposes of this regulation, ***communitybased organisation*** means a body, whether or not a corporate body, that—

 (a) is not established primarily for the purposes of profit or gain; and

 (b) does not distribute any part of any profit or gain made in the conduct of its activities to any member of the organisation; and

 (c) operates in a community wholly for—

 (i) a philanthropic or benevolent purpose, including the promotion of art, culture, science, religion, education or charity; or

 (ii) any sporting or recreational purpose, including the benefiting of any sporting or recreational club or association.

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

Reg. 1103 (Heading) amended by S.R. No. 37/2014 reg. 19(4).

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;

 (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 Authority;

Reg. 1105(b) amended by S.R. No. 37/2014 reg. 19(5).

 (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 subregulation (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—

Reg. 1202
def. of
*essential safety measure*amended by S.R. Nos 20/2011 reg. 17, 51/2014 reg. 7.

 (a) an item specified in Column 2 of Part 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 or 12 of Schedule 9 that is required by or under the Act or these Regulations to be provided in relation to a building or a place of public entertainment; or

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

 (c) any other item that is an essential safety measure within the meaning of 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 subregulation (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.

* 10 penalty units.

 1205A Compliance with AS 1851—2012 taken to be compliance with earlier standards

Reg. 1205A inserted by S.R. No. 33/2016 reg. 8.

 (1) This regulation applies in relation to a condition on an occupancy permit, or a maintenance determination, which specifies the frequency and type of maintenance required for an essential safety measure pertaining to a building or place of public entertainment.

 (2) Despite sections 40 and 51 of the Act, and regulation 1205, if the condition on the occupancy permit or the maintenance determination specifies that the essential safety measure must be maintained in accordance with AS 1851—2005 Maintenance of fire protection systems and equipment, as issued from time to time, or an equivalent standard published before 5 September 2005, compliance with AS 1851—2012 is taken to be compliance with the frequency and maintenance requirements specified in the condition or maintenance determination (as the case requires).

 (3) If the owner of the building or place of public entertainment, in accordance with subregulation (2), complies with AS 1851—2012 in relation to the essential safety measure, instead of the frequency and type of maintenance required for the essential safety measure specified in the occupancy permit or the maintenance determination, the owner must continue to comply with AS 1851—2012 in relation to the essential safety measure.

 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

 (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 subregulation (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 subregulation (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.

* 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.

* 10 penalty units.

 (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 Authority; and

Reg. 1209(a) amended by S.R. No. 37/2014 reg. 19(6).

 (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

 (da) include a statement that the owner, in accordance with regulation 1205A, is complying with AS 1851—2012 in relation to an essential safety measure, instead of the frequency and type of maintenance required for the essential safety measure specified in the relevant occupancy permit or the maintenance determination; and

Reg. 1209(da) inserted by S.R. No. 33/2016 reg. 9.

 (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 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.

* 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 relationto 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.

* 10 penalty units.

 (2) Subregulation (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 Authority; and

Reg. 1215(a) amended by S.R. No. 37/2014 reg. 19(7).

 (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

 (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.

* 10 penalty units.

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Reg. 1216(2) revoked by S.R. No. 33/2016 reg. 10.

 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

 (b) is not removed from its approved location except—

 (i) for the purpose of maintenance; or

 (ii) in accordance with these Regulations.

* 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 aroad—

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.

* 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.

* 50 penalty units.

 (2) The occupier of an allotment or building containing a swimming pool or spa must take all reasonable stepsto ensure that any gate or door forming part of a swimming pool or spa barrier or fence that provides access to the swimming poolor 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.

* 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.

* 50 penalty units.

Division 3—Private bushfire shelter maintenance and operation

Pt 12 Div. 3 (Heading and regs 1221, 1222) inserted by S.R. No. 139/2009 reg. 8, substituted by S.R. No. 32/2010 reg. 7.

 1221 Application of this Division

Reg. 1221 inserted by S.R. No. 139/2009 reg. 8, substituted by S.R. No. 32/2010 reg. 7.

This Division applies to a Class 10c building associated with a Class 1 building.

 1222 Private bushfire shelter maintenance and operation

Reg. 1222 inserted by S.R. No. 139/2009 reg. 8, substituted by S.R. No. 32/2010 reg. 7.

 (1) The occupier of an allotment containing a Class 10c building associated with a Class 1 building must ensure that the Class 10c building is maintained in a state that enables the Class 10c building to fulfil its purpose.

* 20 penalty units.

 (2) The occupier of an allotment containing a Class 10c building associated with a Class 1 building must ensure that any paths of travel from the Class 1 building to the Class 10c building are maintained in an efficient condition and kept readily accessible, functional and clear of obstruction so that access to the Class 10c building is maintained.

* 20 penalty units.

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Pt 13 (Heading
and regs 1301–1304) amended by S.R. No. 79/2009 reg. 8, revoked by S.R. No. 104/2014 reg. 12.

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 138·31 fee units.

Reg. 1405(1) amended by S.R. Nos 115/2007 reg. 8, 126/2008 reg. 8,
79/2009 reg. 9, 50/2010 reg. 9, 48/2011 reg. 9, 63/2012 reg. 9, 80/2013 reg. 9, 104/2014 reg. 13.

 (2) All fees paid under this Division must be paid into the Building account of the Victorian Building Authority Fund.

Reg. 1405(2) amended by S.R. No. 37/2014 reg. 20.

 1406 Certificate of accreditation

Reg. 1406 amended by S.R. No. 37/2014 reg. 21(1).

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

 1407 Registration of accredited products

Reg. 1407 amended by S.R. No. 37/2014 reg. 21(2).

The Authority 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 Authority must notify the holder of the certificate in writing of the decision of the Committee.

Reg. 1408(2) amended by S.R. No. 37/2014 reg. 21(3).

 1409 Records

Reg. 1409 amended by S.R. No. 37/2014 reg. 21(4).

The Authority 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 subregulation (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.

* 10 penalty units.

Part 15—Building practitioners

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Reg. 1501 revoked by S.R. No. 103/2016 reg. 5(2).

 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**

Note to reg. 1502 substituted by S.R. No. 103/2016 reg. 11.

A building practitioner who contravenes the requirements of regulation 1502 may be given a show cause notice under section 182 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**

Note to reg. 1503 substituted by S.R. No. 103/2016 reg. 12.

Under section 170(1)(b)(ii) of the Act, the Authority, unless these Regulations otherwise provide in relation to a particular category or class of building practitioner, 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.

 1507 Forms of certificates of compliance

Reg. 1507 amended by S.R. No. 37/2014 reg. 21(5).

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

 1508 Duplicate certificate fee

Reg. 1508 amended by S.R. Nos 115/2007 reg. 9, 126/2008 reg. 9, 79/2009 reg. 10, 50/2010 reg. 10, 48/2011 reg. 10, 63/2012 reg. 10, 80/2013 reg. 10, 104/2014 reg. 14.

For the purposes of section 172(7) of the Act, the prescribed fee for a duplicate building practitioner's certificate is 2·75 fee units.

 1509 Prescribed information as to character of applicant for registration

Reg. 1509 inserted by S.R. No 91/2009 reg. 4.

For the purposes of section 169(2)(ca) of the Act, the prescribed information relating to character to be provided with an application for registration as a building practitioner is whether—

 (a) the applicant has within the last 10 years as an adult or the last 5 years as a child, been convicted or found guilty of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence involving fraud, dishonesty, drug trafficking or violence; or

 (b) the applicant has ever been insolvent under administration; or

 (c) any licence, permit, registration or other authority enabling the applicant to work as a building practitioner in Victoria or in an equivalent occupation in the building and construction industry in another State or Territory has ever been cancelled or suspended; or

 (d) the applicant has ever been disqualified from holding, or been refused a licence, permit, registration or other authority enabling the applicant to work as a building practitioner in Victoria or in an equivalent occupation in the building and construction industry in another State or Territory; or

 (e) the applicant has been fined, reprimanded or cautioned for any breach of an Act, regulations, rules, professional conduct or code of ethics, in relation to working as a building practitioner in Victoria or in an equivalent occupation in the building and construction industry in another State or Territory; or

 (f) any insurer has ever declined, cancelled, or imposed special conditions in relation to the provision of professional indemnity insurance, public liability insurance, or any other indemnity insurance in respect of the applicant working as a building practitioner in Victoria or in an equivalent occupation in the building and construction industry in another State or Territory.

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Reg. 1510 inserted by S.R. No 91/2009 reg. 5, revoked by S.R. No. 103/2016 reg. 13.

 1511 Notice of suspension or cancellation of registration

Reg. 1511 inserted by S.R. No 91/2009 reg. 5, substituted by S.R. No. 103/2016 reg. 14.

For the purposes of section 183A of the Act—

 (a) a notice of suspension of registration must be in the form of Form 8 in Schedule 2;

 (b) a notice of cancellation of registration must be in the form of Form 9 in Schedule 2.

 1512 Condition of registration

Reg. 1512 inserted by S.R. No. 103/2016 reg. 14.

For the purposes of section 170A of the Act, it is a condition of registration that a building practitioner must not allow another person to use the certificate issued to the building practitioner under section 172 of the Act.

Part 16—Appeals and reviews

Pt 16 (Heading) substituted by S.R. No. 37/2014 reg. 22(1).

Division 1—Building Appeals Board

Pt 16 Div. 1 (Heading) inserted by S.R. No. 37/2014 reg. 22(2).

 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) 7 days for an appeal by a person against a decision to give that person a written direction to fix building work under Division 2 of Part 4 of the Act; or

Reg. 1601(c) revoked by S.R. No. 37/2014 reg. 23, new reg. 1601(c) inserted by S.R. No. 63/2016 reg. 7.

 (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) 23·04 fee units in any matter relating to a Class 1 or 10 building; and

Reg. 1602(a)(i) amended by S.R. Nos 115/2007 reg. 10(a), 126/2008 reg. 10(a), 79/2009 reg. 11(a), 50/2010 reg. 11(a), 48/2011 reg. 11(a), 63/2012 reg. 11(a), 80/2013 reg. 11(a), 104/2014 reg. 15(a).

 (ii) 46·10 fee units in any matter relating to a building other than a Class 1 or 10 building;

Reg. 1602 (a)(ii) amended by S.R. Nos 115/2007 reg. 10(b), 126/2008 reg. 10(b), 79/2009 reg. 11(b), 50/2010 reg. 11(b), 48/2011 reg. 11(b), 63/2012 reg. 11(b), 80/2013 reg. 11(b), 104/2014 reg. 15(b).

 (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) 13·82 fee units in any matter relating to a Class 1 or 10 building;

Reg. 1602(b)(i) amended by S.R. Nos 115/2007 reg. 10(c), 126/2008 reg. 10(c), 79/2009 reg. 11(c), 50/2010 reg. 11(c), 48/2011 reg. 11(c), 63/2012 reg. 11(c), 80/2013 reg. 11(c), 104/2014 reg. 15(c).

 (ii) 23·04 fee units in any matter relating to a building other than a Class 1 or 10 building;

Reg. 1602 (b)(ii) amended by S.R. Nos 115/2007 reg. 10(d), 126/2008 reg. 10(d), 79/2009 reg. 11(d), 50/2010 reg. 11(d), 48/2011 reg. 11(d), 63/2012 reg. 11(d), 80/2013 reg. 11(d), 104/2014 reg. 15(d).

 (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) 23·04 fee units in any matter relating to a Class 1 or 10 building;

Reg. 1602(c)(i) amended by S.R. Nos 115/2007 reg. 10(d), 126/2008 reg. 10(d), 79/2009 reg. 11(d), 50/2010 reg. 11(d), 48/2011 reg. 11(d), 63/2012 reg. 11(d), 80/2013 reg. 11(e), 104/2014 reg. 15(e).

 (ii) 46·10 fee units in any matter relating to a building other than a Class 1 or 10 building;

Reg. 1602 (c)(ii) amended by S.R. Nos 115/2007 reg. 10(e), 126/2008 reg. 10(e), 79/2009 reg. 11(e), 50/2010 reg. 11(e), 48/2011 reg. 11(e), 63/2012 reg. 11(e), 80/2013 reg. 11(f), 104/2014 reg. 15(f).

 \* \* \* \* \*

Reg. 1602(d) amended by S.R. Nos 115/2007 reg. 10(f), 126/2008 reg. 10(f), 79/2009 reg. 11(f), 50/2010 reg. 11(f), 48/2011 reg. 11(f), 63/2012 reg. 11(f), revoked by S.R. No. 80/2013 reg. 11(g).

 \* \* \* \* \*

Reg. 1602(e) amended by S.R. Nos 115/2007 reg. 10(g), 126/2008 reg. 10(g), 79/2009 reg. 11(g), 50/2010 reg. 11(g), 48/2011 reg. 11(g), 63/2012 reg. 11(g), revoked by S.R. No. 80/2013 reg. 11(h).

 (f) in the case of a request under section 147(1) of the Act, 36·88 fee units;

Reg. 1602(f) amended by S.R. Nos 115/2007 reg. 10(h), 126/2008 reg. 10(h), 79/2009 reg. 11(h), 50/2010 reg. 11(h), 48/2011 reg. 11(h), 63/2012 reg. 11(h), substituted by S.R. No. 80/2013 reg. 11(i), amended by S.R. No. 104/2014 reg. 15(g).

 (g) in the case of an application under section 160 of the Act—

 (i) 8·29 fee units in any matter relating to a Class 1 or 10 building; and

Reg. 1602(g)(i) amended by S.R. Nos 115/2007 reg. 10(i), 126/2008 reg. 10(i), 79/2009 reg. 11(i), 50/2010 reg. 11(i), 48/2011 reg. 11(i), 63/2012 reg. 11(i), 80/2013 reg. 11(j), 104/2014 reg. 15(h).

 (ii) 18·43 fee units in any matter relating to a building other than a Class 1 or 10 building;

Reg. 1602 (g)(ii) amended by S.R. Nos 115/2007 reg. 10(j), 126/2008 reg. 10(j), 79/2009 reg. 11(j), 50/2010 reg. 11(j), 48/2011 reg. 11(j), 63/2012 reg. 11(j), 80/2013 reg. 11(k), 104/2014 reg. 15(i).

 (h) in the case of an application under section 160A of the Act, 18·43 fee units;

Reg. 1602(h) amended by S.R. Nos 115/2007 reg. 10(j), 126/2008 reg. 10(j), 79/2009 reg. 11(j), 50/2010 reg. 11(j), 20/2011 reg. 18(a), 48/2011 reg. 11(j), 63/2012 reg. 11(j), 80/2013 reg. 11(l), 104/2014 reg. 15(j).

 (i) in the case of an application under section 160B of the Act, 41·89 fee units.

Reg. 1602(i) inserted by S.R. No. 20/2011 reg. 18(b), amended by S.R. Nos 63/2012 reg. 11(k), 80/2013 reg. 11(m), 104/2014 reg. 15(k).

 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 purposesof section 147(3)(b) of the Act is 14·75 fee units per hour; and

Reg. 1603(a) amended by S.R. Nos 115/2007 reg. 11, 126/2008 reg. 11, 79/2009 reg. 12, 50/2010 reg. 12, 48/2011 reg. 12, 63/2012 reg. 12, 80/2013 reg. 12, 104/2014 reg. 16.

 (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 14·75 fee units per hour may, at the discretion of the Board, be required from the person requesting the matter to be heard.

Reg. 1603(b) amended by S.R. Nos 115/2007 reg. 11, 126/2008 reg. 11, 79/2009 reg. 12, 50/2010 reg. 12, 48/2011 reg. 12, 63/2012 reg. 12, 80/2013 reg. 12, 104/2014 reg. 16.

 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 account of the Victorian Building Authority Fund if the request is refused.

Reg. 1604(1) amended by S.R. No. 37/2014 reg. 24(1).

 (2) The Authority may refund from the Building account of the Victorian Building Authority 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.

Reg. 1604(2) amended by S.R. No. 37/2014 reg. 24.

Division 2—Victorian Civil and Administrative Tribunal

Pt 16 Div. 2 (Heading and reg. 1605) inserted by S.R. No. 37/2014 reg. 25.

 1605 Review period

Reg. 1605 inserted by S.R. No. 37/2014 reg. 25, amended by S.R. No. 103/2016 reg. 15.

The period within which an application for review by the Victorian Civil and Administrative Tribunal under sections 25J and 186 of the Act must be lodged is 60 days.

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 Chief Executive Officer or any person appointed or engaged under section 204 of the Act who is an authorised person within the meaning of section 228 of the Act, for offences against regulations 1009, 1205, 1207, 1208, 1211, 1214, 1216, 1217 and 1218; and

Reg. 1702(a) amended by S.R. No. 37/2014 reg. 26.

 (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.

 \* \* \* \* \*

Reg. 1704 revoked by S.R. No. 136/2006 reg. 3(1)(b).

 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.

 \* \* \* \* \*

Reg. 1706 revoked by S.R. No. 136/2006 reg. 3(1)(b).

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**

Note to reg. 1803 amended by S.R. No. 37/2014 reg. 27(1).

If a prescribed temporary structure is used for the purpose of providing public entertainment it must have an occupancy permit under Division 2 of Part 5 of the Act and meet the requirements of the Authority under that permit.

 1804 Exemption for Class 10 buildings on farm land

Reg. 1804 (Heading) substituted by S.R. No. 173/2014 reg. 5.

 (1) The relevant council may exempt a Class 10 building that is to be constructed on farm land and used for farming purposes from all or any of the requirements of these Regulations.

 (2) If the relevant council grants an exemption from all of these Regulations under subregulation (1), a building permit and certificate of final inspection under the Act are not required for that building.

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 andYoung 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 andYoung 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

 (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 subregulation (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 subregulation (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 27 May 2014 and published in General Government Gazette No. G 22 on 29 May 2014 and taking effect on 30 June 2014 as that Order is in force from time to time.

Reg. 1808(3) amended by S.R. No. 104/2014 reg. 17.

 (4) This regulation applies to major domestic building contracts entered into on or after 10 April 2002.

 1809 Exemptions from required insurance for ownerbuilders

 (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—

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

Part 19—General

 1901 Approved forms

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

Reg. 1901(1) amended by S.R. No. 37/2014 reg. 27(2).

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

Reg. 1901(2) amended by S.R. No. 37/2014 reg. 27(2).

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.

 2003 Transitional provisions—Building Amendment Regulations 2009

Reg. 2003 inserted by S.R. No. 91/2009 reg. 7.

 (1) The substitution of the Table in Schedule 7 by regulation 6 of the Building Amendment Regulations 2009 does not affect the registration under Part 11 of the Act of any building practitioner who was registered under that Part immediately before the commencement day.

 (2) A person who within 3 years before the commencement day had been awarded, or who before the commencement day had commenced study in a course leading to, the qualification for the category or class of building practitioner referred to in item 2, 9 or 20 of the Table in Schedule 7 as in force immediately before that day is taken to hold, or on being awarded that qualification is taken to hold, the appropriate prescribed qualification (as the case requires) for the purposes of section 170(1)(b)(i) of the Act for registration in that category or class of building practitioner.

 (3) In this regulation ***commencement day*** means the day that regulation 6 of the Building Amendment Regulations 2009 comes into operation.

 2004 Transitional provision—Building Legislation Amendment (Consumer Protection) Act 2016

Reg. 2004 inserted by S.R. No. 103/2016 reg. 16.

Section 78(1A), (1B) and (1C) of the Act do not apply in relation to a major domestic building contract entered into by a builder, or in relation to a builder who acts or proposes to act as a domestic builder in relation to domestic building work, before the commencement of section 38 of the **Building Legislation Amendment (Consumer Protection) Act 2016**.

Schedules

Schedule 1—Revocation

Regulation 104

|  |  |
| --- | --- |
| *S.R. No.* | *Title* |
| 51/2005 | Building (Interim) Regulations 2005 |

 \* \* \* \* \*

Sch. 1A inserted by S.R. No. 25/2009 reg. 7, revoked by S.R. No. 25/2009 reg. 10,
new Sch. 1A inserted by S.R. No. 15/2010 reg. 7, revoked by S.R. No. 15/2010 reg. 9.

Schedule 2—Forms

Form 1

Sch. 2 Form 1
amended by S.R. Nos 20/2011 reg. 19, 37/2014 reg. 27(3).

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

**Lessee responsible for building work**

Indicate if a lessee of the building, of which parts
are leased by different persons, is responsible for
the alterations to a part of the building leased by
that lessee. □†

†*Tick if applicable*

**Ownership Details** (only if agent of owner listed above)

Owner

Postal address

Postcode

Contact person Telephone

**Property details**

Number Street/road City/suburb/town Postcode

Lot/s LP/PS Volume Folio

Crown allotment Section Parish County

Municipal district Allotment area (for new dwellings only) m2

Land owned by the Crown or a public authority □†

† *tick if applicable*

**Builder** (if known)

Name Telephone

Postal address Postcode

**Building 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 □Demolition of a building □Extension to an existing building □Re-erection of a building □Other □ | Alterations to an existing building □Removal of a building □Change of use of an existing building □ |

Proposed use of building4

\* *Tick if applicable or give other description*

**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 draftsperson 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—

 (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 Victorian Building Authority maintains a current list of domestic insurance providers.

Form 2

Sch. 2 Form 2 amended by S.R. Nos 136/2006 reg. 3(2)(a)(b), 109/2014 reg. 4.

Regulation 313

**Building Act 1993**

Building Regulations 2006

Building Permit

**Issued to**

Owner\*/Agent of owner\*1

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

**Builder2**

Name Telephone

Address

Postcode

**Details of building practitioners and architects**

(a) to be engaged in the building work3

Name Category/Class Registration No.

Name Category/Class Registration No.

(b) who were engaged to prepare documents forming part of the application for this permit4

Name Category/Class Registration No.

Name Category/Class Registration No.

**Details of domestic building work insurance5** (*delete if inapplicable*)

The issuer or provider of the required insurance policy is

(*insert name of policy issuer or provider*)

**Details of relevant planning permit** (*delete if inapplicable*)

Planning permit No. Date of grant of planning permit

**Nature of building work**

\*Construction of a new building, extension, alteration, change of use, demolition, removal or re-erection of a building

\* *Circle whichever is applicable*

Stage of building work permitted Cost of building work $

Total floor area of new building work in m2

**Building classification**

Part of building BCA Classification

Part of building BCA Classification

**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:

**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:

|  |  |  |
| --- | --- | --- |
| *Prescribed reporting authority* | *Matter reported on* | *Regulation* |
|  |  |  |
|  |  |  |

**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—

**Relevant building surveyor**

Name Registration No.

Business/council name Address

Permit No. Date of issue of permit

Signature

**NOTES**

 Note 1: 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 2: 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. The person 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 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 $16 000) must be covered by an insurance policy as required under section 135 of the **Building Act 1993**.

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

**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).

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 □

**Signature**

Signature of adjoining owner or agent

Date

**NOTE**

The notice under section 85 of the **Building Act 1993** must be given to the owner or agent within 14 days of being served with a notice under section 84 of that Act and in the case of (b) or (c) must also be given to the relevant building surveyor who must determine the matter under section 87 of the **Building Act 1993**.

Form 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**

**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.

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 Maximum number of people to be
load accommodated

Part of building Permitted use BCA Class

Maximum permissible floor live Maximum number of people to be
load 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**.

**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:

|  |  |  |
| --- | --- | --- |
| *Reporting authority* | *Matter reported on* | *Regulation* |
|  |  |  |
|  |  |  |

**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—

|  |  |  |
| --- | --- | --- |
| *Essential safety measure* | *BCA or other provision to which essential safety measure has been installed and is to operate* | *Frequency and type of maintenance required* |
|  |  |  |
|  |  |  |

 (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

**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

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.

**Relevant building surveyor**

Name

Registration No.

Signature

Certificate No.

Date of inspection

Date of issue

**Form 8**

Sch. 2 Form 7A inserted by S.R. No. 91/2009 reg. 8, substituted as Sch. 2 Form 8 by S.R. No. 103/2016 reg. 17.

Regulation 1511(a)

**Building Act 1993**

Building Regulations 2006

**NOTICE OF SUSPENSION OF REGISTRATION UNDER SECTION 183A**

I [*insert name*] do hereby give notice that on [*insert date*] my registration as a building practitioner in the category of [*insert registration category*] class of [*insert registration class*] was suspended by the Victorian Building Authority (***VBA***) with respect to the work I am carrying out for you. My registration will be suspended from [*insert date*].

Under section 183A of the **Building Act 1993**, I am required to give you notice of the suspension of my registration.

Under section 185 of the **Building Act 1993**, I have the right to apply for an internal review of the VBA's decision to suspend my registration. In reviewing the decision, the VBA may choose to affirm, amend or substitute the decision.

Under section 186 of the **Building Act 1993**, I also have the right to apply for a review of the decision to suspend my registration directly to the Victorian Civil and Administrative Tribunal (***VCAT***). VCAT may then choose to affirm, amend or substitute the decision.

If I apply for an internal review or a review by VCAT, the suspension of my registration is stayed until a decision is made unless my registration was immediately suspended under section 180A of the Act.

**Signature of building practitioner**

**Date**

**Note**

Under section 175 of the **Building Act 1993**, while suspended a building practitioner is deemed to not be registered under Part 11 of the Act.

**Form 9**

Sch. 2 Form 8 revoked by S.R. No. 136/2006 reg. 3(2)(c), new Form 8 inserted by S.R. No. 91/2009 reg. 9, substituted as Sch. 2 Form 9 by S.R. No. 103/2016 reg. 17.

Regulation 1511(b)

**Building Act 1993**

Building Regulations 2006

**NOTICE OF CANCELLATION OF REGISTRATION UNDER SECTION 183A**

I [*insert name*] do hereby give notice that on [*insert date*] my registration as a building practitioner in the category of [*insert registration category*] class of [*insert registration class*] was cancelled by the Victorian Building Authority (***VBA***). My registration will be cancelled from [*insert date*].

Under section 183A of the **Building Act 1993**, I am required to give you notice of the cancellation of my registration.

Under section 185 of the **Building Act 1993**, I have the right to apply for an internal review of the VBA's decision to cancel my registration. In reviewing the decision, the VBA may choose to affirm, amend or substitute the decision.

Under section 186 of the **Building Act 1993**, I also have the right to apply for a review of the decision to cancel my registration directly to the Victorian Civil and Administrative Tribunal (***VCAT***). VCAT may then choose to affirm, amend or substitute the decision.

If I apply for an internal review or a review by VCAT, the cancellation of my registration is stayed until a decision is made.

**Signature of building practitioner**

**Date**

Schedule 3—Time limits for building permit applications

Regulation 307

| *Column 1* | *Column 2* | *Column 3* | *Column 4* | *Column 5* |
| --- | --- | --- | --- | --- |
| *Item number* | *Matter* | *Class 1 or 10 buildings* | *Class 2–9 buildings* | *Act provision* |
| 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  |
| 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—Prescribed matters reported on by prescribed reporting authorities

Regulation 308

Part 1—Prescribed matters reported on by chief officer

Sch. 4 Pt 1 amended by S.R. No. 82/2010 reg. 6.

| *Column 1* | *Column 2* | *Column 3*  |
| --- | --- | --- |
| *Item* | *Prescribed matters to be reported on by chief officer* | *Regulation reference* |
|  | The following fire safety matters if those matters do not meet the deemed-to-satisfy provisions of the BCA— | reg. 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 |  |
|  | The following bushfire safety matters if those matters do not meet the requirements of regulation 808 or 809— | reg. 309A(1) |
| 12 | static water supply for fire fighting purposes |  |
| 13 | emergency vehicle access |  |

 \* \* \* \* \*

Sch. 4 Pt 1A inserted by S.R. No. 105/2009 reg. 7, revoked by S.R. No. 105/2009 reg. 10.

Part 2—Prescribed matters reported on by council

Sch. 4 Pt 2 amended by S.R. No. 21/2015 reg. 5.

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3*  |
| *Item* | *Prescribed matters to be reported on by council* | *Regulation reference* |
| 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(6) |
| 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) |

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3*  |
| *Item* | *Prescribed matters to be reported on by council* | *Regulation reference* |
| 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) |
| 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) |
| *Column 1* | *Column 2* | *Column 3*  |
| *Item* | *Prescribed matters to be reported on by council* | *Regulation reference* |
| 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) |

Part 3—Prescribed matter reported on by electricity supply authority

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3*  |
| *Item* | *Prescribed matter to be reported on by electricity supply authority* | *Regulation reference* |
| 1 | Provision of substations | reg. 311 |

Schedule 5—Planning schemes

Sch. 5 substituted by S.R. No. 115/2007 reg. 12, amended by S.R. No. 37/2014 reg. 28, substituted by S.R. No. 109/2014 reg. 5, amended by S.R. Nos 162/2014 reg. 6, 196/2014 reg. 4, 8/2015 reg. 4, 70/2015 reg. 4, 134/2015 reg. 4, 152/2015 reg. 4, 21/2016 reg. 4, 49/2016 reg. 5.

Regulations 403, 409(1), 410(1), 411(1), 412(1), 414(1), 415(2), 421(1) and 424(1)

|  |  |  |
| --- | --- | --- |
| *Column 1**Item No.* | *Column 2**Name of Planning Scheme* | *Column 3**Name of Zone* |
| 1 | Ararat Planning Scheme | Neighbourhood Residential Zone (NRZ) |
| 1A | Ballarat Planning Scheme | Residential Growth Zone (RGZ)Neighbourhood Residential Zone (NRZ) |
| 1B | Banyule Planning Scheme | Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 1C | Bayside Planning Scheme | Mixed Use Zone (MUZ)Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 2 | Boroondara Planning Scheme | Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 2AA | Brimbank Planning Scheme | Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 2A | Cardinia Planning Scheme | Neighbourhood Residential Zone (NRZ) |
| *Column 1**Item No.* | *Column 2**Name of Planning Scheme* | *Column 3**Name of Zone* |
| 2B | Casey Planning Scheme | Residential Growth Zone (RGZ) |
| 3 | Colac Otway Planning Scheme | Neighbourhood Residential Zone (NRZ) |
| 3A | Darebin Planning Scheme | Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 4 | Glen Eira Planning Scheme | Mixed Use Zone (MUZ)Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 5 | Greater Dandenong Planning Scheme | Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 5AA | Greater Geelong Planning Scheme | Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 5A | Greater Shepparton Planning Scheme | Residential Growth Zone (RGZ)Neighbourhood Residential Zone (NRZ) |
| 5B | Hobsons Bay Planning Scheme | General Residential Zone (GRZ) |
|  |  |  |
| *Column 1**Item No.* | *Column 2**Name of Planning Scheme* | *Column 3**Name of Zone* |
| 6 | Horsham Planning Scheme | General Residential Zone (GRZ) |
| 7 | Indigo Planning Scheme | Neighbourhood Residential Zone (NRZ) |
| 8 | Kingston Planning Scheme | Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 9 | Knox Planning Scheme | Residential Growth Zone (RGZ) General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 9A | Latrobe Planning Scheme | Residential Growth Zone (RGZ)Neighbourhood Residential Zone (NRZ) |
| 10 | Manningham Planning Scheme | Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 10A | Maribyrnong Planning Scheme | Residential Growth Zone (RGZ)Neighbourhood Residential Zone (NRZ) |
| 11 | Maroondah Planning Scheme | Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |

|  |  |  |
| --- | --- | --- |
| *Column 1**Item No.* | *Column 2**Name of Planning Scheme* | *Column 3**Name of Zone* |
| 11AA | Melbourne Planning Scheme | Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 11A | Melton Planning Scheme | Residential Growth Zone (RGZ)Neighbourhood Residential Zone (NRZ) |
| 12 | Monash Planning Scheme | Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ)Mixed Use Zone (MUZ) |
| 12A | Moorabool Planning Scheme | General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 12AB | Moreland Planning Scheme | Residential Growth Zone (RGZ)Neighbourhood Residential Zone (NRZ) |
| 12B | Mornington Peninsula Planning Scheme | General Residential Zone (GRZ) |
| 12C | Nillumbik Planning Scheme | Residential Growth Zone (RGZ)Neighbourhood Residential Zone (NRZ) |
| 13 | Queenscliffe Planning Scheme | General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
|  |  |  |
| *Column 1**Item No.* | *Column 2**Name of Planning Scheme* | *Column 3**Name of Zone* |
| 13A | Southern Grampians Planning Scheme | Residential Growth Zone (RGZ)Neighbourhood Residential Zone (NRZ) |
| 14 | Stonnington Planning Scheme | Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 15 | Wangaratta Planning Scheme | Residential Growth Zone (RGZ)Neighbourhood Residential Zone (NRZ) |
| 16 | Warrnambool Planning Scheme | Neighbourhood Residential Zone (NRZ) |
| 16AA | Wellington Planning Scheme | Residential Growth Zone (RGZ)Neighbourhood Residential Zone (NRZ) |
| 16A | Whitehorse Planning Scheme | Residential Growth Zone (RGZ)General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 16AB | Whittlesea Planning Scheme | Mixed Use Zone (MUZ)Residential Growth Zone (RGZ)Neighbourhood Residential Zone (NRZ) |
| 16B | Wyndham Planning Scheme | Residential Growth Zone (RGZ) |
|  |  |  |
| *Column 1**Item No.* | *Column 2**Name of Planning Scheme* | *Column 3**Name of Zone* |
| 16C | Yarra Planning Scheme | General Residential Zone (GRZ)Neighbourhood Residential Zone (NRZ) |
| 17 | Yarra Ranges Planning Scheme | Residential Growth Zone (RGZ)Neighbourhood Residential Zone (NRZ) |

Schedule 6—Time limits for occupancy permit applications

Regulation 1004

| *Column 1* | *Column 2* | *Column 3*  | *Column 4*  | *Column 5*  |
| --- | --- | --- | --- | --- |
| *Item number* | *Matter* | *Class 1 building* | *Class 2–9 buildings* | *Act provision* |
| 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—Categories/classes of building practitioners and qualifications

Sch. 7 amended by S.R. Nos 91/2009 reg. 6, 103/2016 reg. 18.

Regulation 1503

 \* \* \* \* \*

In the Table in this Schedule***special buildings*** means—

 (a) buildings of composite, precast or tilt-up panel construction; or

 (b) buildings incorporating prestressed concrete elements; or

 (c) stressed skin structures, chimneys, towers, masts or any similar structures.

**TABLE**

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
| 1 | Category of building surveyor (unlimited) | (a) a degree in building surveying from a university or institution approved and authorised under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that degree; and(b) 3 years of practical experience to the satisfaction of the Authority |
| 2 | Category of building surveyor (limited) | (a) an advanced diploma in building surveying from a course accredited under the **Education and Training Reform Act 2006**; and |
|  |  |  |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
|  |  | (b) 2 years of practical experience to the satisfaction of the Authority. |
| 3 | Category of building inspector (unlimited) | (a) a diploma of building surveying from a course accredited under the **Education and Training Reform Act 2006**; and(b) 2 years of practical experience to the satisfaction of the Authority |
| 4 | Category of building inspector (limited) | (a) the following qualifications—(i) a diploma of building surveying from a course accredited under the **Education and Training Reform Act 2006**; and |
|  |  | (ii) 2 years of practical experience to the satisfaction of the Authority; or(b) a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to inspect the classes and types of buildings or the components of building work specified in the certificate |
|  |  |  |
|  |  |  |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
| 5 | Category of quantity surveyor | (a) a degree or diploma in quantity surveying from a university or institution approved and authorised under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that award; and(b) 2 years of practical experience to the satisfaction of the Authority |
| 6 | Category of engineer, class of civil engineer | (a) the following qualifications—(i) a degree in civil engineering from a university approved and authorised under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that degree; and(ii) 3 years of practical experience to the satisfaction of the Authority; or |
|  |  | (b) a current certificate of registration as a civil engineer on the National Engineering Register (NER) |
|  |  |  |
|  |  |  |
|  |  |  |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
| 7 | Category of engineer, class of mechanical engineer | (a) the following qualifications—(i) a degree in mechanical engineering from a university approved and authorised under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that degree; and(ii) 3 years of practical experience to the satisfaction of the Authority; or(b) a current certificate of registration as a mechanical engineer on the National Engineering Register (NER) |
| 8 | Category of engineer, class of electrical engineer | (a) the following qualifications—(i) a degree in electrical engineering from a university approved and authorised under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that degree; and |

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
|  |  | (ii) 3 years of practical experience to the satisfaction of the Authority; or |
|  |  | (b) a current certificate of registration as an electrical engineer on the National Engineering Register (NER) |
| 9 | Category of engineer, class of fire safety engineer | (a) the following qualifications—(i) a degree in fire safety engineering from a university approved and authorised under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that degree; and(ii) 3 years of practical experience to the satisfaction of the Authority; or(b) a current certificate of registration as a fire safety engineer on the National Engineering Register (NER) |
| 10 | Category of draftsperson, class of building design (architectural) | (a) an advanced diploma in building design from a course accredited under the **Education and Training Reform Act 2006**; and |
|  |  |  |
|  |  |  |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
|  |  | (b) 1 year of practical experience to the satisfaction of the Authority |
| 11 | Category of draftsperson, class of building design (interior) | (a) an associate diploma of arts—interior design from a course accredited under the **Education and Training Reform Act 2006**; and(b) 1 year of practical experience to the satisfaction of the Authority |
| 12 | Category of draftsperson, class of building design (services) | (a) one of the following qualifications—(i) an associate diploma of engineering drafting—civil, electrical or mechanical; or(ii) a certificate IV, diploma or advanced diploma in fire technology from a course accredited under the **Education and Training Reform Act 2006**; and(b) 1 year of practical experience to the satisfaction of the Authority |
| 13 | Category of builder, class of commercial builder (unlimited) | (a) the following qualifications—(i) a degree, diploma or associate diploma of building from a university that is  |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
|  |  | approved and authorised, or TAFE institute that is registered, under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that award; and |
|  |  | (ii) 3 years of practical experience to the satisfaction of the Authority; or |
|  |  | (b) the following qualifications—(i) a certificate of successful completion of the "Course in Builder Registration (BPB)" accredited under the **Education and Training Reform Act 2006**; and(ii) 3 years of practical experience to the satisfaction of the Authority |
| 14 | Category of builder, class of commercial builder (limited) | a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to construct the components of building work specified in the certificate |
|  |  |  |
|  |  |  |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
| 15 | Category of builder, class of domestic builder (unlimited) | (a) the following qualifications—(i) a degree, diploma or associate diploma of building from a university that is |
|  |  | approved and authorised, or TAFE institute that is registered, under Part 4.3 of the **Education and Training Reform Act 2006** to conduct an accredited course leading to that award; and |
|  |  | (ii) 3 years of practical experience to the satisfaction of the Authority; or |
|  |  | (b) the following qualifications—(i) successful completion of the "Course in Builder Registration (BPB)" accredited under the **Education and Training Reform Act 2006**; and(ii) 3 years of practical experience to the satisfaction of the Authority; or |
|  |  | (c) a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
|  |  | adequate knowledge and experience to carry out, manage or arrange to carry out all components of domestic building work |
| 16 | Category of builder, class of domestic builder (limited) | a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to carry out, manage or arrange to carry out the components of domestic building work specified in the certificate |
| 17 | Category of builder, class of domestic builder (manager) | a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience (including financial management knowledge and experience) to manage or arrange the carrying out by a builder registered under the Act in another class of domestic builder of the components of domestic building work specified in the certificate |
| 18 | Category of builder, class of demolisher (low rise buildings) | a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to—(a) demolish buildings having a rise in storeys of not more than 2, excluding special buildings; and |
|  |  |  |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
|  |  | (b) undertake demolition stripping work of not more than 2 storeys of any unoccupied building |
| 19 | Category of builder, class of demolisher (medium rise buildings) | a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to—(a) demolish buildings having a rise in storeys of not more than 5, excluding special buildings; and(b) undertake demolition stripping of any building |
| 20 | Category of builder, class of demolisher (unlimited) | a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to demolish all buildings including the demolition of special buildings and stripping work |
| 21 | Category of erector or supervisor (temporary structures), class 1—stages or seating stands or equipment platforms or towers fabricated on site from tubes and fittings or other scaffolding components of metals and other materials | (a) an intermediate scaffolding licence issued under the Occupational Health and Safety Regulations 2007; and(b) 1 year of practical experience to the satisfaction of the Authority |
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|  |  |  |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Category/prescribed class of building practitioner* | *Prescribed qualifications* |
| 22 | Category of erector or supervisor (temporary structures), class 2—special structures—tents, marquees | (a) a certificate issued by the Authority, after examination of the applicant, certifying that the applicant has adequate knowledge and experience to erect or dismantle or supervise the erection or the dismantling of tents and marquees; and(b) 2 years of practical experience to the satisfaction of the Authority |

Schedule 8—Exemptions for buildings and building work

Sch. 8 amended by S.R. Nos 136/2006 reg. 3(3), 20/2011 reg. 20, 104/2014 reg. 18.

Regulations 1801, 1802

**TABLE**

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Description of building or building work exempted from building permit and occupancy permit* | *Building regulations that building or building work exempted from* |
| 1 | Construction of a freestanding Class 10a building that—(a) has a floor area not exceeding 10m2; and(b) is no more than 3m in height or, if situated within 1m of a boundary, is no more than 2⋅4m in height; and(c) 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.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. | All Parts |

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| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Description of building or building work exempted from building permit and occupancy permit* | *Building regulations that building or building work exempted from* |
| 2 | Demolition of a freestanding Class 10 building that—(a) is not constructed of masonry; and(b) does not exceed 40m2 in floor area; and(c) will not adversely affect the safety of the public or occupiers of the building; and(d) is not work carried out on, or in connection with, a building included on the Heritage Register within the meaning of the **Heritage Act 1995**.Note: This building work may require approval from the Executive Director within the meaning of the **Heritage Act 1995** under that Act.Certain building work that does not require a building permit may require a planning permit under the **Planning and Environment Act 1987**. | All Parts |
| 3 | Repair, renewal or maintenance of a part of an existing building, if the building work—(a) will not adversely affect the structural soundness of the building, and does not include—(i) an increase or decrease in the floor area or height of the building; or | All Parts |

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| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Description of building or building work exempted from building permit and occupancy permit* | *Building regulations that building or building work exempted from* |
|  | (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 \* \* \* \* \*(e) will not adversely affect an essential safety measure within the meanings of Subdivisions 1 and 2 of Division 1 of Part 12.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.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**. |  |

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| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Description of building or building work exempted from building permit and occupancy permit* | *Building regulations that building or building work exempted from* |
| 4 | Alterations to a building, if the building work—1. will not adversely affect the structural soundness of the building, and does not include—

(i) an increase or decrease in the floor area or height of the building; or(ii) underpinning or replacement of footings; or(iii) the removal or alteration of any element of the building that is contributing to the support of any other element of the building; and(b) will not project beyond the street alignment; and(c) will not adversely affect the safety of the public or occupiers of the building; and(d) is not work carried out on, or in connection with, a building included on the Heritage Register within the meaning of the **Heritage Act 1995**; and(e) is not work in relation to, and will not adversely affect, an essential safety measure within the meanings of Subdivisions 1 and 2 of Division 1 of Part 12.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. | Parts 2 to 20 |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Description of building or building work exempted from building permit and occupancy permit* | *Building regulations that building or building work exempted from* |
|  | required to be maintained using particular materials.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**. |  |
| 5 | Any building that is not of a Class listed in clause A3.2 of the BCA Volume One and clause 1.3.2 of the BCA Volume Two. | All Parts |
| 6 | A building used only temporarily for the duration of building work for—(a) construction purposes; or(b) display purposes. | All Parts |
| 7 | Temporary structures other than those to which regulation 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 enclosed by an approved barrier.**Note**This exemption applies only to the relocatable swimming pool and not to the barrier. | All Parts |

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| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Description of building or building work exempted from building permit and occupancy permit* | *Building regulations that building or building work exempted from* |
| 10 | 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)—(a) not exceeding 2m in height; and(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(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(d) not exceeding 1m in height above the footpath when within 9m of a point of intersection of street alignments; and(e) not having barbed wire or the like when adjacent to a street alignment. | All Parts except reg. 424(1) and Schedule 5 |
| 11 | A chain wire fence surrounding a tennis court. | All Parts |
| 12 | Any sign that is—(a) less than 3m from a street alignment and does not exceed 1m in height above ground level; or  | All Parts |

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| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Description of building or building work exempted from building permit and occupancy permit* | *Building regulations that building or building work exempted from* |
|  | (b) not less than 3m from a street alignment and does not exceed—(i) a height of 8m above ground level; and(ii) 6m2 in display area. |  |
| 13 | Any mast, pole, antenna, aerial or similar Class 10b structure—(a) attached to a building and which does not exceed a height of 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 | A pergola that—(a) is not more than 3⋅6m in height; and(b) in the case of a pergola that is appurtenant to a Class 1 building, is located no further forward on the allotment than 2.5m forward of the front wall of that building; and | Parts 2 to 20 |
|  |  |  |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Description of building or building work exempted from building permit and occupancy permit* | *Building regulations that building or building work exempted from* |
|  | (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 | Installation of a wood or solid fuel household heating appliance.Note: Installation of a wood or solid fuel burning heater is plumbing work and must be carried out by a licensed plumber. | Parts 2 to 20 |
| 18 | A re-locatable building that is a movable unit within the meaning of the **Housing Act 1983** that is constructed for a community service and is to be used or intended to be used to provide temporary accommodation on a non-profit basis if—(a) the building has a floor area not exceeding 30m2; and(b) the building is located no further forward on the allotment than the front wall of the building to which it is appurtenant; and(c) the building or building work will not adversely affect the structural soundness of that, or any other building; and(d) the building or building work will not adversely affect the safety of the public or the occupiers of the building; and | Parts 2 to 20 |

|  |  |  |
| --- | --- | --- |
| *Column 1* | *Column 2* | *Column 3* |
| *Item* | *Description of building or building work exempted from building permit and occupancy permit* | *Building regulations that building or building work exempted from* |
|  | (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 | 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—(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 |

Schedule 9—Essential safety measures

Sch. 9 inserted by No. 51/2014 reg. 8.

Regulation 1202

Part 1—Building fire integrity

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Building elements required to satisfy prescribed fire-resistance levels |
| 2 | Materials and assemblies required to have fire hazard properties |
| 3 | Elements required to be non-combustible, provide fire protection, compartmentation or separation |
| 4 | Wall-wetting sprinklers (including doors and windows required in conjunction with wall-wetting sprinklers) |
| 5 | Fire doors (including sliding fire doors and their associated warning systems) and associated self-closing, automatic closing and latching mechanisms |
| 6 | Fire windows (including windows that are automatic or permanently fixed in the closed position) |
| 7 | Fire shutters |
| 8 | Solid core doors and associated self-closing, automatic closing and latching mechanisms |
| 9 | Fire-protection at service penetrations through elements required to be fire-resisting with respect to integrity or insulation, or to have a resistance to the incipient spread of fire |
| 10 | Fire protection associated with construction joints, spaces and the like in and between building elements required to be fire-resisting with respect to integrity and insulation |
| 11 | Smoke doors and associated self-closing, automatic closing and latching mechanisms |
| 12 | Proscenium walls (including proscenium curtains) |

Part 2—Means of egress

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Paths of travel to exits |
| 2 | Discharge from exits (including paths of travel from open spaces to the public roads to which they are connected)  |
| 3 | Exits (including fire-isolated stairways and ramps, non fire-isolated stairways and ramps, stair treads, balustrades and handrails associated with exits, and fire-isolated passageways) |
| 4 | Smoke lobbies to fire-isolated exits |
| 5 | Open access ramps or balconies for fire-isolated exits |
| 6 | Doors (other than fire or smoke doors) in a required exit, forming part of a required exit or in a path of travel to a required exit, and associated self-closing, automatic closing and latching mechanisms |

Part 3—Signs

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Exit signs (including direction signs) |
| 2 | Signs warning against the use of lifts in the event of fire |
| 3 | Warning signs on sliding fire doors and doors to non-required stairways, ramps and escalators |
| 4 | Signs, intercommunication systems, or alarm systems on doors of fire-isolated exits stating that re-entry to a storey is available |
| 5 | Signs alerting persons that the operation of doors must not be impaired |
| 6 | Signs required on doors, in alpine areas, alerting people that they open inwards |
| 7 | Fire order notices required in alpine areas |

Part 4—Lighting

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Emergency Lighting |

Part 5—Fire fighting services and equipment

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Fire hydrant system (including on-site pump set and fire-service booster connection) |
| 2 | Fire hose reel system |
| 3 | Sprinkler system |
| 4 | Portable fire extinguishers |
| 5 | Fire control centres (or rooms) |

Part 6—Air handling systems

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Smoke hazard management systems—(a) automatic air pressurisation systems for fire-isolated exits;(b) zone smoke control system;(c) automatic smoke exhaust system;(d) automatic smoke-and-heat vents (including automatic vents for atriums);(e) air-handling systems that do not form part of a smoke hazard management system and which may unduly contribute to the spread of smoke;(f) miscellaneous air handling systems covered by Sections 5 and 11 of AS/NZS 1668.1 serving more than one fire compartment;(g) other air-handling systems. |
| 2 | Carpark mechanical ventilation system |
| 3 | Atrium smoke control system (see item 1d for smoke and heat vents) |

Part 7—Automatic fire detection and alarm systems

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Smoke and heat alarm system |
| 2 | Smoke and heat detection system |
| 3 | Atrium fire detection and alarm system |

Part 8—Occupant warning systems

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Sound system and intercom system for emergency purposes |
| 2 | Building occupant warning system |

Part 9—Lifts

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Stretcher facilities in lifts |
| 2 | Emergency lifts |
| 3 | Passenger lift fire service controls |

Part 10—Standby power supply system

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Standby power supply system |

Part 11—Building clearance and fire appliances

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Open space around large isolated buildings |
| 2 | Vehicular access around large isolated buildings |

Part 12—Mechanical ventilation and hot, warm and cooling water systems

| *Column 1* | *Column 2* |
| --- | --- |
| *Item* | *Safety Measure* |
| 1 | Mechanical ventilation systems incorporating cooling tower systems (other than a system serving only a single sole-occupancy unitin a Class 2 or 3 building or a Class 4 part of a building) |
| 2 | Mechanical ventilation systems incorporating Hot and Warm water systems (other than a system serving only a single sole-occupancy unit in a Class 2 or 3 building or a Class 4 part of a building) |

Schedule 10—Duties and responsibilities of an owner-builder

Sch. 10 inserted by S.R. No. 103/2016 reg. 19.

Regulation 202A

 1 Understanding the restrictions imposed by the Act and these Regulations on the carrying out of domestic building work, including those referred to in section 16 of the Act which requires a building permit for the carrying out of building work.

 2 Applying to a municipal building surveyor or a private building surveyor appointed under Part 6 of the Act to obtain a building permit and understanding when the relevant building surveyor must not issue a building permit.

 3 Ensuring building work is inspected as required by the Act and these Regulations.

 4 Understanding the requirement for, and knowing when to apply for and obtain, an occupancy permit or certificate of final inspection.

 5 Understanding the requirement for entering a major domestic building contract when engaging a domestic builder to undertake certain building work.

 6 Understanding the requirement to engage a building practitioner registered under Part 11 of the Act to carry out certain building work if required by the Act and these Regulations.

 7 Understanding the requirement to engage licenced or registered practitioners, other than building practitioners registered under Part 11 of the Act, to undertake forms of regulated work such as plumbing or electrical work.

 8 Understanding the processes available to resolve domestic building work disputes under the **Domestic Building Contracts Act 1994**.

 9 Undertaking relevant planning and preparation for carrying out building work.

 10 Complying with site safety requirements, including development, communication, monitoring and maintenance of site safety plans, and any relevant requirement under the **Occupational Health and Safety Act 2004** and the regulations under that Act, for carrying out building work.

 11 Supervising the carrying out of all building work and ensuring that it complies with the Act and these Regulations.

 12 Ensuring building work is undertaken in accordance with the requirements of any relevant environmental laws.

 13 Understanding when directions to fix building work can be made and when and how enforcement of safety and building standards can be undertaken in respect of domestic building work subject to a certificate of consent.

 14 Arranging any required protection works.

 15 Interpreting plans, drawings and specifications relating to the building work.

 16 Setting out and preparing the building site according to plans and specifications.

 17 Understanding requirements for the sale of an ownerbuilt home under section 137B of the Act, including the requirement to obtain insurance for the building work carried out by the owner-builder.

 18 Ensuring knowledge of and obtaining insurance to cover any loss, damage or injury to the owner-builder or others incurred in connection with carrying out building work.

 19 Ensuring knowledge of warranties implied into a contract for the sale of an owner-built home under section 137C of the Act.

 20 Any other duty or responsibility of an owner-builder imposed by the Act, these regulations, the **Domestic Building Contracts Act 1995** or the regulations made under that Act.

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Endnotes

1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Building Regulations 2006, S.R. No. 68/2006 were made on 6 June 2006 by the Governor in Council under sections 7, 9, 15A, 75H, 261 and 262 of, and Schedule 1 to, the **Building Act 1993**, No. 126/1993 and came into operation 13 June 2006: regulation 103.

The Building Regulations 2006 will sunset on 5 June 2017: see Subordinate Legislation (Building Regulations 2006) Extension Regulations 2016, S.R. No. 4/2016.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

• Headings

All headings included in a Statutory Rule which is made on or after
1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule.
This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms.
See section 36(1A)(2A)(2B).

• Examples, diagrams or notes

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

• Punctuation

All punctuation included in a Statutory Rule which is made on or after
1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule.
See section 36(3B).

• Provision numbers

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after
1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

• Location of "legislative items"

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

• Other material

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the Building Regulations 2006 by statutory rules, subordinate instruments and Acts.

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Building (Amendment) Regulations 2006, S.R. No. 136/2006

|  |  |
| --- | --- |
| Date of Making: | 10.10.06 |
| Date of Commencement: | 10.10.06 |

Building (Amendment) Regulations 2007, S.R. No. 115/2007

|  |  |
| --- | --- |
| Date of Making: | 9.10.07 |
| Date of Commencement: | 1.11.07: reg. 3 |

Building Amendment Regulations 2008, S.R. No. 126/2008

|  |  |
| --- | --- |
| Date of Making: | 22.10.08 |
| Date of Commencement: | 24.11.08: reg. 3 |

Building Amendment (Bushfire Construction) Interim Regulations 2009, S.R. No. 25/2009

|  |  |
| --- | --- |
| Date of Making: | 10.3.09 |
| Date of Commencement: | Regs 4–7 on 11.3.09: reg. 3(1); regs 8–10 on 9.3.10: reg. 3(2) |

Building Amendment (Fees) Regulations 2009, S.R. No. 79/2009

|  |  |
| --- | --- |
| Date of Making: | 30.6.09 |
| Date of Commencement: | 1.7.09: reg. 3 |

Building Amendment Regulations 2009, S.R. No. 91/2009

|  |  |
| --- | --- |
| Date of Making: | 26.8.09 |
| Date of Commencement: | 1.9.09: reg. 3 |

Building Amendment (Bushfire Construction) Further Interim Regulations 2009, S.R. No. 105/2009

|  |  |
| --- | --- |
| Date of Making: | 1.9.09 |
| Date of Commencement: | Regs 4–7 on 1.9.09: reg. 3(1); reg. 9 on 9.3.10: reg. 3(2); regs 8, 10 on 30.8.10: reg. 3(3) |

Building Amendment (Private Bushfire Shelter Construction) Interim Regulations 2009, S.R. No. 139/2009

|  |  |
| --- | --- |
| Date of Making: | 10.11.09 |
| Date of Commencement: | Regs 5–8 on 11.11.09: reg. 3(1) |

Building Amendment (Bushfire Construction - Short-term Requirements) Regulations 2010, S.R. No. 15/2010

|  |  |
| --- | --- |
| Date of Making: | 2.3.10 |
| Date of Commencement: | Regs 4–7 on 9.3.10: reg. 3(1); regs 8, 9 on 1.5.10: reg. 3(2); regs 10–12 on 8.9.11: reg. 3(3) |

Building Amendment (Private Bushfire Shelter Construction) Interim Regulations 2010, S.R. No. 32/2010

|  |  |
| --- | --- |
| Date of Making: | 25.5.10 |
| Date of Commencement: | Regs 6, 7 on 28.5.10: reg. 3(1) |

Building Amendment (Fees) Regulations 2010, S.R. No. 50/2010

|  |  |
| --- | --- |
| Date of Making: | 23.6.10 |
| Date of Commencement: | 1.7.10: reg. 3 |

Building Amendment (Bushfire Safety) Regulations 2010, S.R. No. 82/2010

|  |  |
| --- | --- |
| Date of Making: | 24.8.10 |
| Date of Commencement: | 30.8.10: reg. 3 |

Building Amendment Regulations 2011, S.R. No. 20/2011

|  |  |
| --- | --- |
| Date of Making: | 19.4.11 |
| Date of Commencement: | 1.5.11: reg. 3 |

Building Amendment (Private Bushfire Shelter Construction) Regulations 2011, S.R. No. 22/2011

|  |  |
| --- | --- |
| Date of Making: | 19.4.11 |
| Date of Commencement: | 1.5.11: reg. 3 |

Building Amendment (Fees) Regulations 2011, S.R. No. 48/2011

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| --- | --- |
| Date of Making: | 28.6.11 |
| Date of Commencement: | 1.7.11: reg. 3 |

Building Amendment (Community Fire Refuge Construction) Interim Regulations 2011, S.R. No. 73/2011

|  |  |
| --- | --- |
| Date of Making: | 26.7.11 |
| Date of Commencement: | Regs 5–8 on 29.7.11: reg. 3(1); regs 9–11 on 27.7.12: reg. 3(2) |

Building Amendment (Bushfire Construction) Regulations 2011, S.R. No. 92/2011

|  |  |
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| Date of Making: | 30.8.11 |
| Date of Commencement: | 8.9.11: reg. 3 |

Building Amendment (Fees) Regulations 2012, S.R. No. 63/2012

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| Date of Making: | 28.6.12 |
| Date of Commencement: | 1.7.12: reg. 3 |

Building Amendment (Fees) Regulations 2013, S.R. No. 80/2013

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| Date of Making: | 25.6.13 |
| Date of Commencement: | 1.7.13: reg. 3 |

Building Amendment (Places of Public Entertainment) Regulations 2013, S.R. No. 97/2013

|  |  |
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| Date of Making: | 9.7.13 |
| Date of Commencement: | 9.7.13 |

Building Amendment (Walls and Carports on Boundaries) Regulations 2013, S.R. No. 161/2013

|  |  |
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| Date of Making: | 10.12.13 |
| Date of Commencement: | 10.12.13 |

Building Amendment (General) Regulations 2014, S.R. No. 37/2014

|  |  |
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| Date of Making: | 20.5.14 |
| Date of Commencement: | 20.5.14 |

Building Amendment (National Construction Code) Regulations 2014, S.R. No. 51/2014

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| --- | --- |
| Date of Making: | 3.6.14 |
| Date of Commencement: | 3.6.14 |

Building Amendment (Fees and Other Matters) Regulations 2014, S.R. No. 104/2014

|  |  |
| --- | --- |
| Date of Making: | 22.7.14 |
| Date of Commencement: | 22.7.14 |

Building Amendment (New Residential Zones) Regulations 2014, S.R. No. 109/2014

|  |  |
| --- | --- |
| Date of Making: | 19.8.14 |
| Date of Commencement: | 19.8.14 |

Building Further Amendment (New Residential Zones) Regulations 2014, S.R. No. 162/2014

|  |  |
| --- | --- |
| Date of Making: | 14.10.14 |
| Date of Commencement: | 14.10.14 |

Building Amendment (Farm Buildings) Regulations 2014, S.R. No. 173/2014

|  |  |
| --- | --- |
| Date of Making: | 21.10.14 |
| Date of Commencement: | 21.10.14 |

Building Amendment (Additional New Residential Zones) Regulations 2014, S.R. No. 196/2014

|  |  |
| --- | --- |
| Date of Making: | 29.10.14 |
| Date of Commencement: | 29.10.14 |

Building Amendment (Live Music) Regulations 2014, S.R. No. 197/2014

|  |  |
| --- | --- |
| Date of Making: | 29.10.14 |
| Date of Commencement: | 29.10.14 |

Building Amendment (Siting Requirements) Regulations 2015, S.R. No. 8/2015

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| Date of Making: | 10.2.15 |
| Date of Commencement: | 10.2.15 |

Building Amendment Regulations 2015, S.R. No. 21/2015

|  |  |
| --- | --- |
| Date of Making: | 31.3.15 |
| Date of Commencement: | 1.5.15: reg. 3 |

Building Amendment (Additional Siting Requirements) Regulations 2015, S.R. No. 70/2015

|  |  |
| --- | --- |
| Date of Making: | 23.6.15 |
| Date of Commencement: | 23.6.15 |

Building Amendment (Whittlesea Siting Requirements) Regulations 2015, S.R. No. 134/2015

|  |  |
| --- | --- |
| *Date of Making:* | 18.11.15 |
| *Date of Commencement:* | Reg. 4 on 18.11.15: reg. 3(1) |

Building Amendment (Hobsons Bay Siting Requirements) Regulations 2015, S.R. No. 152/2015

|  |  |
| --- | --- |
| Date of Making: | 8.12.15 |
| Date of Commencement: | 8.12.15 |

Building and Plumbing Amendment (Balcony Sprinkler Protection) Interim Regulations 2015, S.R. No. 157/2015

|  |  |
| --- | --- |
| Date of Making: | 15.12.15 |
| Date of Commencement: | Reg. 4 on 15.12.15: reg. 3(1); reg. 5 on 6.6.16 reg. 3(2) |

Building Amendment (Brimbank and Wellington Siting Requirements) Regulations 2016, S.R. No. 21/2016

|  |  |
| --- | --- |
| Date of Making: | 12.4.16 |
| Date of Commencement: | 12.4.16 |

Building Amendment Regulations 2016, S.R. No. 33/2016

|  |  |
| --- | --- |
| Date of Making: | 26.4.16 |
| Date of Commencement: | Regs 5, 8–10 on 26.4.16: reg. 3(1); regs 6, 7 on 1.5.16: reg. 3(2) |

Building Amendment (Siting Requirements) Regulations 2016, S.R. No. 49/2016

|  |  |
| --- | --- |
| Date of Making: | 24.5.16 |
| Date of Commencement: | Regs 4, 5 on 24.5.16 |

Building Further Amendment Regulations 2016, S.R. No. 63/2016

|  |  |
| --- | --- |
| Date of Making: | 21.6.16 |
| Date of Commencement: | 4.7.16: reg. 3 |

Building Amendment (Consumer Protection) Regulations 2016, S.R. No. 103/2016

|  |  |
| --- | --- |
| *Date of Making:* | 23.8.16 |
| *Date of Commencement:* | 1.9.16: reg. 3 |

Building Amendment (Construction of Swimming Pools and Spas) Regulations 2016, S.R. No. 104/2016

|  |  |
| --- | --- |
| Date of Making: | 23.8.16 |
| Date of Commencement: | 3.10.16: reg. 3 |

Building Amendment (Specific Use Bushfire Protected Buildings and Other Matters) Regulations 2016, S.R. No. 114/2016

|  |  |
| --- | --- |
| *Date of Making:* | 6.9.16 |
| *Date of Commencement:* | 30.9.16: reg. 3 |

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3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

**Fee Units**

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2016 is $13.94. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

**Penalty Units**

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2016 is $155.46.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 68/2006 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**.

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| --- | --- | --- |
| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 105Definition 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; andPerformance 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  |
| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
|  |  | 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; andClause 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 |
|  | 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 | Schedule to Residential 1 Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone |
| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
|  | Kingston 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 the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone |
|  | Maroondah 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 the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone |
|  | 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 |

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| 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 |
| 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 | Whole |
|  | AS 2858—2004 Timber—Softwood—Visually graded for structural purposes, published 14 April 2004, as published from time to time | Whole |
| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| 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 |
| 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 200607 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 |

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| 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 |
| Regulation 710(2) | AS 2118.1—1999 Automatic fire sprinkler systems—Part 1: General requirements, published 5 December 1999, as published from time to time | Whole |
|  | AS 2118.4—1995 Automatic fire sprinkler systems—Part 4: Residential, published 5 April 1995, 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 710(6) | Building Code of AustraliaAS 2444—2001 Portable fire extinguishers and fire blankets—Selection and location, published 9 November 2001, as published from time to timePractice 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 OneWhole Whole |
| Regulation 710(7) | Building Code of Australia | Clauses E1.4, G4.4 and E4.2 of Volume One.Deemed-to-satisfy provisions of Part E4 of Volume One |
|  | Practice Note 2006-13 issued by the Commission in May 2006 | 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; andClause I1.2 of Volume One |
| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulations 1801, 1802 and item 5 of Schedule 8 | Building Code of Australia | Clause A3.2 of Volume OneClause 1.3.2 of Volume Two |
| Regulation 1808(3) | Building Practitioners' Insurance Ministerial Order published 12 May 2005 | Whole |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 115/2007 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 12 which substitutes new Schedule 5 to the Building Regulations 2006 | Bayside Planning Scheme made under the **Planning and Environment Act 1987** as that planning scheme is amended and in force from time to time | Schedules 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** |
|  | 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 | Schedule to Residential 1 Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone |
|  | Kingston Planning Scheme made under the **Planning and Environment Act 1987** as that planning scheme is amended and in force from time to time | Schedules to Residential 1 Zone and Residential 3 Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones |
|  | Knox 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 3 Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone |

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
|  | Manningham 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 3 Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone |
|  | Maroondah 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 the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone |
|  | Monash Planning Scheme made under the **Planning and Environment Act 1987** as that planning scheme is amended and in force from time to time | Schedules 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 |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 25/2009 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.

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4 which inserts regulation 114 into the Building Regulations 2006 | Volume One of the BCAVolume Two of the BCAAS 3959—2009 Construction of buildings in bushfire-prone areas, published by Standards Australia on 10 March 2009 as incorporated by the BCA | Table 1 in Specification A1.3Part G5Table 1.4.1Clauses F2.3.4, P2.3.4 and 3.7.4.0The whole |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 105/2009 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 6 which inserts regulation 808 into the Building Regulations 2006 | Australian Standard 3959—2009 Construction of buildings in bushfire-prone areas, published by Standards Australia on 10 March 2009  | Section 2 clause 2.2 Appendix B |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 139/2009 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

In this table—

***BCA*** 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.

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5 which inserts the definition of ***bushfire performance requirement*** into the Building Regulations 2006 | Volume Two of the BCA | Performance requirement P2.3.4A |

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 7 which inserts regulation 115 into the Building Regulations 2006 | Volume One of the BCAVolume Two of the BCA | Clauses A1.1 and A.3.2Clauses 1.0.10, 1.1.1.2, 1.3.2, 1.3.3 and F2.3.4APerformance requirement P2.3.4A |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 15/2010 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

In this table—

***BCA***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.

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4 which inserts regulation 114 into the Building Regulations 2006 | Volume One of the BCAVolume Two of the BCA | Table 1 in Specification A1.3Part G5Table 1.4.1 in clause 1.4.1Clause F2.3.4, Performance Requirement P2.3.4 and clauses 3.7.4.0, 3.7.4.1, 3.7.4.2, 3.7.4.3 |
|  | AS 3959—2009 Construction of buildings in bushfire-prone areas, as published by Standards Australia on 10 March 2009, as amended on 16 November 2009 as incorporated by the BCA. | The whole |
| Regulation 6 which substitutes regulation 804 in the Building Regulations 2006 | AS 3959—2009 Construction of buildings in bushfire-prone areas, published by Standards Australia on 10 March 2009, as amended on 16 November 2009. | The whole |

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 7 which inserts Schedule 1A into the Building Regulations 2006 | Volume One of the BCAAS 3959—2009 Construction of buildings in bushfire-prone areas, published by Standards Australia on 10 March 2009, as amended on 16 November 2009 as incorporated by the BCA. | Part G5The whole |
| Regulation 8 which substitutes regulation 114 of the Building Regulations 2006 | Volume One of the BCAVolume Two of the BCAAS 3959—2009 Construction of buildings in bushfire-prone areas, published by Standards Australia on 10 March 2009, as amended on 16 November 2009 as incorporated by the BCA. | Clause A1.1Clause 1.1.1The whole |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 32/2010 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

In this table—

***BCA*** 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.

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 6 which inserts the definition of ***bushfire performance requirement*** into the Building Regulations 2006 | Volume Two of the BCA | Performance Requirement P2.3.4A |
| Regulation 8 which inserts regulation 115 into the Building Regulations 2006 | Volume One of the BCAVolume Two of the BCAABCB Performance Standard for Private Bushfire Shelters 2010 Part 1, published by the Australian Building Codes Board on 30 April 2010 as incorporated by the BCA | Clauses A1.1 and A.3.2Clauses 1.0.10, 1.1.1, 1.3.2, 1.3.3, 1.4.1, Table 1.4.1, O2.3(c) and (d), F2.3.4A, 3.7.4.0A and Performance Requirement P2.3.4AThe whole |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 82/2010 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

In this table—

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

1. as amended or remade from time to time; and
2. as amended by the Victorian Appendix to that Code published by that Board as that Appendix is amended or remade from time to time.

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5 which inserts regulation 808 into the Building Regulations 2006 | Australian Standard 3959—2009 Construction of buildings in bushfire-prone areas, published by Standards Australia on 10 March 2009, as amended on 16 November 2009 as incorporated for the time being by the BCA. | Clause 2.2 Appendix B |

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**Table of Applied, Adopted or Incorporated Matter**

Note that the following table of applied, adopted or incorporated matter was included in S.R. No. 20/2011 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

In this table—

***BCA*** means the Building Code of Australia comprising—

(a) Volume One of the National Construction Code Series including any variations or additions in the Appendix Victoria set out in the Appendices to that Volume; and

(b) Volume Two of the National Construction Code Series including any Victoria additions set out in Appendix A of that Volume;

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

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

***National Construction Code Series*** means the National Construction Code Series published by the Australian Building Codes Board as amended or remade from time to time;

***Principal Regulations*** means the Building Regulations 2006.

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5(1) which amends regulation 105 of the Principal Regulations to insert the definitions of ***BCA Volume One*** and ***BCA Volume Two*** | BCA Volume OneBCA Volume Two | The whole |

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5(2) which amends regulation 105 of the Principal Regulations to amend the definition of ***fire performance requirement*** | BCA Volume OneBCA Volume Two | The whole |
| Regulation 6 which amends regulation 111 of the Principal Regulations | BCA Volume OneBCA Volume Two | The whole |
| Regulation 7 which amends regulation 114 of the Principal Regulations | BCA Volume OneBCA Volume Two | The whole |
| Regulation 8 which inserts a new regulation 116 in the Principal Regulations | BCA Volume OneAS1428.1—2009 Design for access and mobility Part 1: General requirements for access—New building work, published by Standards Australia on 27 November 2009, as incorporated by the BCA Volume One | Table E3.6bF2.4(c) and F2.4(e)Section D, Part E3 and Part F2The whole |
|  | AS1428.1—2001 Design for access and mobility Part 1: General requirements for access—New building work, published by Standards Australia on 5 June 2001 | The whole  |

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 9 which amends regulation 305(b) of the Principal Regulations | BCA Volume OneBCA Volume Two | The whole  |
| Regulation 11 which amends regulation 611 of the Principal Regulations | BCA Volume Two | The whole |
| Regulation 12 which amends regulation 613(1) of the Principal Regulations | BCA Volume OneBCA Volume Two | The whole  |
| Regulation 13 which amends the note at the foot of regulation 708(1) of the Principal Regulations | BCA Volume One | The Appendix Victoria set out in the Appendices |
| Regulation 14 which amends regulation 709(5) and (6) of the Principal Regulations | BCA Volume One | The whole |
| Regulation 15(1) which amends regulation 710 of the Principal Regulations | BCA Volume One | The Appendix Victoria set out in the Appendices  |
| Regulation 15(2) which amends regulation 710 of the Principal Regulations | BCA Volume One | The whole |

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 16 which amends regulation 803(2) of the Principal Regulations | BCA Volume OneBCA Volume Two | The whole |
| Regulation 17 which amends regulation 1202 of the Principal Regulations | BCA Volume One | The whole |
| Regulation 20(1) which amends Column 2 of item 5 of the Table in Schedule 8 to the Principal Regulations | BCA Volume OneBCA Volume Two | The whole |
| Regulation 20(2) which amends Column 2 of item 9 of the Table in Schedule 8 to the Principal Regulations | AS 1926.3—2010 Swimming pool safety Part 3: Water recirculation systems, published by Standards Australia on 1 September 2010 | The whole |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 22/2011 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

In this table—

***BCA*** means the Building Code of Australia comprising—

1. Volume One of the National Construction Code Series including any variations or additions in the Appendix Victoria set out in the Appendices to that Volume; and
2. Volume Two of the National Construction Code Series including any Victoria additions set out in Appendix A of that Volume

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

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

***National Construction Code Series*** means the National Construction Code Series published by the Australian Building Codes Board as amended or remade from time to time.

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5 which substitutes the definition of ***fire performance requirement*** in regulation 105 of the Building Regulations 2006 | The BCA Volume Two | Performance requirementP2.3.5 |
| Regulation 6 which substitutes regulation 113A of the Building Regulations 2006 | The BCA | Whole |

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 7 which substitutes regulation 115 of the Building Regulations 2006 | The BCA Volume OneThe BCA Volume Two | Clause A1.1Clauses 1.1.1, O2.3(d) and performance requirement P2.3.5 and the Application at the foot of performance requirement P2.3.5 |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 73/2011 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

In this table—

***BCA*** means the Building Code of Australia comprising—

(a) Volume One of the National Construction Code Series including any variations or additions in the Appendix Victoria set out in the Appendices to that Volume; and

(b) Volume Two of the National Construction Code Series including any Victoria additions set out in Appendix A of that Volume;

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

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

***National Construction Code Series*** means the National Construction Code Series 2011 published by the Australian Building Codes Board.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5 which substitutes the definition of ***bushfire performance requirement*** in regulation 105 of the Building Regulations 2006 | The BCA Volume OneThe BCA Volume Two | Performance requirement GP5.2Performance requirement P2.3.5 |
| Regulation 6 which inserts regulation 115A in the Building Regulations 2006 | The BCA Volume One | Clauses A0.10, A1.1, A3.2, GO5, GF5.1 and the performance requirement GP5.2 |
| Regulation 9 which reinserts the definition of ***bushfire perform-ance requirement*** in regulation 105 of the Building Regulations 2006 | The BCA Volume Two | Performance requirement P2.3.5 |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 92/2011 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

In this table—

***BCA*** means the Building Code of Australia comprising—

(a) Volume One of the National Construction Code Series including any variations or additions in the Appendix Victoria set out in the Appendices to that Volume; and

(b) Volume Two of the National Construction Code Series including any Victoria additions set out in Appendix A of that Volume.

***National Construction Code Series*** means the National Construction Code Series published by the Australian Building Codes Board as amended or remade from time to time.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 7 which inserts new regulation 811 into the Building Regulations 2006 | AS 3959—2009 Construction of buildings in bushfire-prone areas, published by Standards Australia on 10 March 2009, as amended on 16 November 2009 and 15 February 2011 | The whole |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 37/2014 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 16(1) which amends regulation 708(3) of the Building Regulations 2006 | Practice Note 2008-07 issued by the Building Commission in 2008 | The whole |
| Regulation 18(2) which amends regulation 710(6) and (7) of the Building Regulations 2006 | Practice Note 2008-13 issued by the Building Commission in November 2008 | The whole |
| Regulation 28(2) which amends Schedule 5 to the Building Regulations 2006 | 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 | Schedules to Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones and clauses 32.07-7, 32.08-7 and 32.09-8 |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 28(3) which amends Schedule 5 to the Building Regulations 2006 | Greater Dandenong Planning Scheme made under the **Planning and Environment Act 1987** as that planning scheme is amended and in force from time to time | Schedules to Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones and clauses 32.07-7, 32.08-7, and 32.09-8 |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 51/2014 accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

In this table—

***BCA*** means the Building Code of Australia comprising—

(a) Volume One of the National Construction Code Series including any variations or additions in the Appendix Victoria set out in the Appendices to that Volume; and

(b) Volume Two of the National Construction Code Series including any Victorian additions set out in Appendix A of that Volume;

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

***BCA Volume One 2013***means BCA Volume One as published and in effect on 1 May 2013;

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

***National Construction Code Series*** means the National Construction Code Series published by the Australian Building Codes Board as amended or remade from time to time, unless otherwise indicated.

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| **Statutory Rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4 which amends the definition of ***fire performance requirement*** in regulation 105 of the Building Regulations 2006 | BCA Volume Two | Performance requirement P2.1.1 of BCA Volume Two |
| Regulation 6 which amends regulation 710 of the Building Regulations 2006 | BCA Volume One 2013 | Clause E1.4 of BCA Volume One 2013 |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 104/2014 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 6 which amends regulation 309A(1)(b) of the Building Regulations 2006 | The following planning schemes made under the **Planning and Environment Act 1987**—* Alpine Planning Scheme
* Baw Baw Planning Scheme
* Cardinia Planning Scheme
* Casey Planning Scheme
* Greater Bendigo Planning Scheme
* Horsham Planning Scheme
* Latrobe Planning Scheme
* Mitchell Planning Scheme
* Mount Alexander Planning Scheme
 | Clause 44.06 Bushfire Management Overlay |
|  | * Murrindindi Planning Scheme
* Nillumbik Planning Scheme
* South Gippsland Planning Scheme
* Wellington Planning Scheme
* Whittlesea Planning Scheme
* Yarra Ranges Planning Scheme
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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 10 which amends regulation 808(1)(b) of the Building Regulations 2006 | The following planning schemes made under the **Planning and Environment Act 1987**—* Alpine Planning Scheme
* Baw Baw Planning Scheme
* Cardinia Planning Scheme
* Casey Planning Scheme
* Greater Bendigo Planning Scheme
* Horsham Planning Scheme
* Latrobe Planning Scheme
* Mitchell Planning Scheme
* Mount Alexander Planning Scheme
* Murrindindi Planning Scheme
* Nillumbik Planning Scheme
* South Gippsland Planning Scheme
* Wellington Planning Scheme
* Whittlesea Planning Scheme
* Yarra Ranges Planning Scheme
 | Clause 44.06 Bushfire Management Overlay |

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 11 which amends regulation 809(1)(b) of the Building Regulations 2006 | The following planning schemes made under the **Planning and Environment Act 1987**—* Alpine Planning Scheme
* Baw Baw Planning Scheme
* Cardinia Planning Scheme
* Casey Planning Scheme
* Greater Bendigo Planning Scheme
* Horsham Planning Scheme
* Latrobe Planning Scheme
* Latrobe Planning Scheme
* Mitchell Planning Scheme
* Mount Alexander Planning Scheme
* Murrindindi Planning Scheme
* Nillumbik Planning Scheme
* South Gippsland Planning Scheme
* Wellington Planning Scheme
* Whittlesea Planning Scheme
* Yarra Ranges Planning Scheme
 | Clause 44.06 Bushfire Management Overlay |

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| **Statutory Rule Provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 17 which amends regulation 1808(3) of the Building Regulations 2006 | Building Practitioners' Insurance Ministerial Order made under section 135 of the **Building Act 1993** on 27 May 2014 and published in General Government Gazette No. G 22 on 29 May 2014 | The whole |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 109/2014 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Bayside Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to Mixed Use Zone, General Residential Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones and clauses 32.08-7 and 32.09-8 |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Boroondara Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to General Residential Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones and clauses 32.08-7 and 32.09-8 |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Colac Otway Planning Scheme made under the **Planning and Environment Act 1987** | Schedule to Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone and clause 32.09-8 |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Glen Eira Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones and clauses 32.07-7, 32.08-7 and 32.09-8 |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Greater Dandenong Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones and clauses 32.07-7 and 32.09-8 |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Horsham Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to General Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone and clause 32.08-7 |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Indigo Planning Scheme made under the **Planning and Environment Act 1987** | Schedule to Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone and clause 32.09-8 |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Kingston Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to General Residential Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones and clauses 32.08-7 and 32.09-8 |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Knox Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to General Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone and clause 32.08-7 |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Manningham Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to General Residential Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones and clauses 32.08-7 and 32.09-8 |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Maroondah Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones and clauses 32.07-7, 32.08-7 and 32.09-8 |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Monash Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to Mixed Use Zone, Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones and clauses 32.07-7 and 32.09-8 |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Queenscliffe Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to General Residential Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones and clauses 32.08-7 and 32.09-8 |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Stonnington Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones and clauses 32.07-7, 32.08-7 and 32.09-8 |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Wangaratta Planning Scheme made under the **Planning and Environment Act 1987** | Schedule to Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone and clause 32.09-8 |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Warrnambool Planning Scheme made under the **Planning and Environment Act 1987** | Schedule to Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone and clause 32.09-8 |
| Regulation 5 which amends Schedule 5 to the Building Regulations 2006 | Yarra Ranges Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to Residential Growth Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones and clauses 32.07-7 and 32.09-8 |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 162/2014 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 6(a) which amends Schedule 5 to the Building Regulations 2006 | Banyule Planning Scheme made under the **Planning and Environment Act 1987** | General Residential Zone and Schedule to that Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying those Zones |
| Regulation 6(b) which amends Schedule 5 to the Building Regulations 2006 | Melton Planning Scheme made under the **Planning and Environment Act 1987** | Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 6(c) which amends Schedule 5 to the Building Regulations 2006 | Nillumbik Planning Scheme made under the **Planning and Environment Act 1987** | Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 173/2014 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

In this table—

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

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4, which inserts new regulation 120(2) of the Building Regulations 2006 | AS 2444—2001 Portable fire extinguishers and fire blankets - Selection and location, published by Standards Australia on 9 November 2001, as incorporated by the BCA Volume One | The whole |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4, which inserts new regulation 120(6) of the Building Regulations 2006  | AS 2419.1—2005 Fire hydrant installations, Part 1: System design, installation and commissioning, published by Standards Australia on 26 November 2005, incorporating Amendment No. 1 published June 2007 | The whole |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 196/2014 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4(a) which amends Schedule 5 to the Building Regulations 2006 | Ararat Planning Scheme made under the **Planning and Environment Act 1987** | Schedule to Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4(a) which amends Schedule 5 to the Building Regulations 2006 | Ballarat Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |
| Regulation 4(a) which amends Schedule 5 to the Building Regulations 2006 | Banyule Planning Scheme made under the **Planning and Environment Act 1987** | General Residential Zone and Schedule to that Zone and Residential Growth Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including 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** |
| Regulation 4(a) which amends Schedule 5 to the Building Regulations 2006 | Bayside Planning Scheme made under the **Planning and Environment Act 1987** | Mixed Use Zone, General Residential Zone and Neighbourhood Residential Zone and the Schedules to those Zones and the Residential Growth Zone and the provisions of the Planning Scheme (including the planning scheme maps) indentifying those Zones |
| Regulation 4(b) which amends Schedule 5 to the Building Regulations 2006 | The following planning schemes made under the **Planning and Environment Act 1987**—* Boroondara Planning Scheme
* Kingston Planning Scheme
* Manningham Planning Scheme
 | Residential Growth Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4(c) which amends Schedule 5 to the Building Regulations 2006 | Cardinia Planning Scheme made under the **Planning and Environment Act 1987** | Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |
| Regulation 4(c) which amends Schedule 5 to the Building Regulations 2006 | Casey Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |
| Regulation 4(d) which amends Schedule 5 to the Building Regulations 2006 | Darebin Planning Scheme made under the **Planning and Environment Act 1987** | Schedule to General Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4(e) which amends Schedule 5 to the Building Regulations 2006 | Greater Shepparton Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying those Zones |
| Regulation 4(f) which amends Schedule 5 to the Building Regulations 2006 | Latrobe Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and Schedule to that zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including 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** |
| Regulation 4(g) which amends Schedule 5 to the Building Regulations 2006 | The following planning schemes made under the **Planning and Environment Act 1987**—* Melton Planning Scheme
* Wangaratta Planning Scheme
 | Residential Growth Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |
| Regulation 4(h) which amends Schedule 5 to the Building Regulations 2006 | Moorabool Planning Scheme made under the **Planning and Environment Act 1987** | Schedules to General Residential Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying those Zones |
| Regulation 4(h) which amends Schedule 5 to the Building Regulations 2006 | Mornington Peninsula Planning Scheme made under the **Planning and Environment Act 1987** | Schedule to General Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4(h) which amends Schedule 5 to the Building Regulations 2006 | Nillumbik Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying those Zones |
| Regulation 4(i) which amends Schedule 5 to the Building Regulations 2006 | Southern Grampians Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including 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** |
| Regulation 4(j) which amends Schedule 5 to the Building Regulations 2006 | Whitehorse Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and General Residential Zone and Schedules to those Zones and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying those Zones |
| Regulation 4(j) which amends Schedule 5 to the Building Regulations 2006 | Wyndham Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 8/2015 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4(1) which amends Schedule 5 to the Building Regulations 2006 | Brimbank Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying those Zones |
| Regulation 4(2) which amends Schedule 5 to the Building Regulations 2006 | Darebin Planning Scheme made under the **Planning and Environment Act 1987** | General Residential Zone and the Schedule to that Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying those Zones |

| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
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| Regulation 4(3) which amends Schedule 5 to the Building Regulations 2006 | Greater Geelong Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone and the Schedules to those Zones and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones |
| Regulation 4(4) which amends Schedule 5 to the Building Regulations 2006 | Melbourne Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone, and General Residential Zone and Neighbourhood Residential Zone and the Schedules to those Zones and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 70/2015 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4(1) which amends Schedule 5 to the Building Regulations 2006 | Darebin Planning Scheme made under the **Planning and Environment Act 1987** | General Residential Zone and the Schedule to that Zone and Neighbourhood Residential Zone and Residential Growth Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying those Zones |
| Regulation 4(2) which amends Schedule 5 to the Building Regulations 2006 | Maribyrnong Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including 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** |
| Regulation 4(3) which amends Schedule 5 to the Building Regulations 2006 | Moreland Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying those Zones |
| Regulation 4(4) which amends Schedule 5 to the Building Regulations 2006 | Yarra Planning Scheme made under the **Planning and Environment Act 1987** | General Residential Zone and the Schedules to that Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying those Zones |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 134/2015 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4 which amends Schedule 5 to the Building Regulations 2006 | Whittlesea Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and Neighbourhood Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying those Zones |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 152/2015 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4 which amends Schedule 5 to the Building Regulations 2006 | Hobsons Bay Planning Scheme made under the **Planning and Environment Act 1987** | Schedule to the General Residential Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 157/2015 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

In this table—

***National Construction Code Series*** means the National Construction Code Series published by the Australian Building Codes Board as amended or remade from time to time;

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

***PCA*** means the Plumbing Code of Australia set out in Volume Three of the National Construction Code Series including any variations or additions in the Appendix Victoria set out in Appendix A of that Volume.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4 which inserts regulation 123 of the Building Regulations 2006 | BCA Volume One | Clauses C1.10(c)(xiii)(B) and C1.10(c)(xiv) |
| Regulation 4 which inserts regulation 124 of the Building Regulations 2006 | AS 2118.1—1999 Automatic fire sprinkler systemsPart 1: General requirements, published by Standards Australia on 5 December 1999, reissued incorporating Amendment No. 1 June 2000 as incorporated by the BCA Volume One | Clause 5.6.13 |
|  | BCA Volume One | Table A1.3 Specification E1.5: Clauses 2(a), 4, 7(a)(ii), 12(d) and 13 |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 6 which inserts Clause 3A in Schedule 2 to the Plumbing Regulations 2008 | AS 2118.1—2006 Automatic fire sprinkler systemsPart 1: General systems, published by Standards Australia on 29 December 2006, reissued incorporating Amendment No. 1 August 2010 as incorporated by the PCA | Clause 5.7.10 |
|  | PCA | Table A3.1Deemed-to-satisfy provision B4.2(c) |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 21/2016 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4(1) which amends Schedule 5 to the Building Regulations 2006 | Brimbank Planning Scheme made under the **Planning and Environment Act 1987** | Schedule to the General Residential Growth Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 4(2) which amends Schedule 5 to the Building Regulations 2006 | Wellington Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and the Schedule to that Zone and the provisions of the Planning Scheme (including planning scheme maps) identifying that Zone |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 33/2016 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5 which inserts the definition of AS 1851—2012 in regulation 105 of the Building Regulations 2006 | AS 1851—2012 Routine service of fire protection systems and equipment, published by Standards Australia on 3 December 2012 | The whole |
| Regulation 8 which inserts new regulation 1205A(2) and (3) into the Building Regulations 2006 | AS 1851—2005 Maintenance of fire protection systems and equipment published by Standards Australia on 12 September 2005, as reissued and amended on 26 July 2006 and 23 May 2008 | The whole |
|  | AS 1851—2012 Routine service of fire protection systems and equipment, published by Standards Australia on 3 December 2012 | The whole |
| Regulation 9 which inserts new regulation 1209(da) into the Building Regulations 2006 | AS 1851—2012 Routine service of fire protection systems and equipment, published by Standards Australia on 3 December 2012 | The whole |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 49/2016 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5(1) which amends Schedule 5 to the Building Regulations 2006 | Glen Eira Planning Scheme made under the **Planning and Environment Act 1987** | Schedule to the Mixed Use Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone |
| Regulation 5(2) which amends Schedule 5 to the Building Regulations 2006 | Knox Planning Scheme made under the **Planning and Environment Act 1987** | Residential Growth Zone and Neighbourhood Residential Zone and the Schedules to those Zones and the Schedules to the General Residential 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** |
| Regulation 5(3) which amends Schedule 5 to the Building Regulations 2006 | Wellington Planning Scheme made under the **Planning and Environment Act 1987** | Neighbourhood Residential Zone and the Schedule to that Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone |
| Regulation 5(4) which amends Schedule 5 to the Building Regulations 2006 | Whittlesea Planning Scheme made under the **Planning and Environment Act 1987** | Schedule to the Mixed Use Zone and the provisions of the Planning Scheme (including the planning scheme maps) identifying that Zone |

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**Table of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 114/2016 accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

In this table—

***BCA*** means the Building Code of Australia comprising—

(a) Volume One of the National Construction Code Series including any variations or additions in the Appendix Victoria set out in the Appendices to that Volume; and

(b) Volume Two of the National Construction Code Series including any Victoria additions set out in Appendix A of that Volume;

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

***National Construction Code Series*** means the National Construction Code Series published by the Australian Building Codes Board as amended or remade from time to time.

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| **Statutory rule provision** | **Title of applied, adopted or incorporated document** | **Matter in applied, adopted or incorporated document** |
| Regulation 5 which inserts the definition of ***AS 3959*** in regulation 105 of the Building Regulations 2006 | AS 3959—2009 Construction of buildings in bushfire-prone areas, published by Standards Australia on 10 March 2009, reissued incorporating Amendments No. 1 (November 2009), No. 2 (February 2011) and No. 3 (November 2011), as incorporated by the BCA | The whole |
| Regulation 6 which inserts regulation 114 in the Building Regulations 2006 | BCA Volume One, published February 2016 by the Australian Building Codes Board | Clause A1.1 and Part G5 |