

The table below summarises the changes arising with the commencement of the new Building Regulations 2018 on the 2 June 2018. The summary describes what will change because of the new Regulations, in comparison to the status quo.

The new Regulations are numbered from 1 to 286 and the previous principle Regulations (the Building Interim Regulations 2017) are numbered from 101 to 2101.

To assist you to use the new Regulations, the previous numbers are also provided for ease of reference.

## Glossary

Act	Building Act 1993
BRAC	Building Regulations Advisory Committee
ESM	essential safety measure
MBS	municipal building surveyor
m	metre
mm	millimetre
NCC	National Construction Code
place	place of public entertainment
RBS	relevant building surveyor
VBA	Victorian Building Authority
Clause(s)	cl(s)
Division(s)	Div(s)
Part(s)	Pt(s)
Regulation(s)	reg(s)
Schedule(s)	Sch(s)
Section(s)	s(s)
Subregulation(s)	Subreg(s)

Building Regulation 2018 number	Building Interim Regulation 2017 number	Changes with the commencement of the Building Regulations 2018
3	103	<p><b>Commencement</b></p> <p>The Building Regulations 2018 will commence on the 2nd June 2018. The regulatory changes listed in this document will commence on that date.</p>
4	104	<p><b>Revocations</b></p> <p>The current principle regulations, which are the Building Interim Regulations 2017, and any amending regulations made since those Regulations will be revoked on the 3rd June 2018.</p>
5	105	<p><b>Definitions</b></p> <p>New definitions are included in <b>reg 5</b> (for example, 'commencement date', 'completion date', 'Keeper of Public Records', 'service authority', 'architectural feature', 'narrow street', 'medium street' and 'wide street', 'north-facing habitable room window', 'recreational private open space', designated special area' and 'combined allotment').</p>
6	NEW	<p><b>Interpretation</b></p> <p>New <b>reg 6</b> clarifies that the Regulations take precedence over any adopted or incorporated document which is inconsistent with the Regulations (for example the NCC or Australian Standards).</p>
13	112(2)	<p><b>Relevant building surveyor must determine the classification of a building</b></p> <p><b>Reg 13</b> clarifies that the RBS must determine the classification of a building when performing a function under the Act or the Regulations, and if there is a doubt of the classification of the building the RBS must classify the building in the class that it most closely resembles.</p>

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24	301	<p><b>Applications for building permits</b></p> <p>To apply for a building permit, an applicant must use the updated application form prescribed in <b>reg 24 (Form 1)</b>. This Regulation has also been amended to clarify the information and documents that must be included in the building permit application so as to demonstrate compliance with the Act and Regulations.</p>
25	302, 303	<p><b>Application for permit to construct or alter building</b></p> <p>The number of copies of documents to be provided with a building permit application has been modernised. Applicants must provide one copy (either electronic or paper copy) of the prescribed documents to accompany a building permit application. The RBS can ask the applicant for additional copies that they reasonably require.</p>
26	304	<p><b>Application for permit to demolish or remove building</b></p> <p>The number of copies of documents to be provided with a building permit application has been modernised. Applicants must provide one copy (either electronic or paper copy) of the prescribed documents to accompany a building permit application. The RBS can ask the applicant for additional copies that they reasonably require.</p>
28	NEW	<p><b>Application for permit where swimming pool or spa proposed</b></p> <p>Applicants for a building permit which includes a swimming pool or spa must include drawings and specifications of the pool and/or spa safety barrier in the building permit application. An RBS cannot issue a building permit for a swimming pool or spa unless a safety barrier is approved as part of that permit application.</p>
29	305	<p><b>Additional information to accompany application for permit</b></p> <p>The list of additional information that the RBS may request in relation to a building permit has been expanded. The RBS may require a list of any essential safety measures to be provided in the building.</p>
30	308(1)	<p><b>Prescribed reporting authorities</b></p> <p>A service authority is a prescribed reporting authority for the purposes of a report and consent on a permit. This means that the RBS must consider any report and consent of a service authority when deciding a building permit application.</p>
34	307	<p><b>Time limits relating to the report or consent of reporting authorities</b></p> <p>The time limit for the report and consent of the chief officer in relation to a building permit application is 15 days, increased from 10 days.</p>
36	312	<p><b>Maximum fees for report and consent</b></p> <p>The maximum fees payable to a council to consent to building permit application have been increased to cover the cost of providing this service. These revised fees relate to:</p> <ul style="list-style-type: none"> <li>• a demolition matter under section 29A of the Act</li> <li>• precautions to protect the public</li> <li>• a siting or projections matter</li> <li>• construction in a designated area</li> <li>• design of a stormwater drainage system</li> </ul>

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37	313	<p><b>Issue of building permit</b></p> <p>The RBS must use a new prescribed form for the purpose of a building permit. See Form 2 in the Regulations. Additional information required on the permit, includes:</p> <ul style="list-style-type: none"> <li>• the nature of the building work in regard to the provisions of the NCC</li> <li>• whether protection work is or is not required</li> <li>• a list of the determinations that the RBS has made to consent to partial compliance or exemptions.</li> </ul>
38	NEW	<p><b>Building surveyor to document determination of performance solution</b></p> <p>When determining an application for a building permit, the RBS must record in writing how a performance solution has been assessed as meeting the performance requirements of the NCC. Alternatively, if the RBS has relied on a s 238 certificate under the Act, <b>reg 124</b> requires any registered building practitioner (in the class or category specified under <b>reg 128</b> and including an independent engineer or peer reviewer) who provides the certificate to also prepare the record.</p>
39	314	<p><b>Building surveyor to provide copy of permit</b></p> <p>In addition to the current duty, the RBS must provide a copy of the building permit within 7 days to the builder (i.e. the person specified as the builder in the permit).</p> <p>One copy of the building permit (either electronic file or paper copy) needs to be provided to the applicant, and the owner if they are not the applicant, and the builder. Given the applicant does not have a power to ask for additional paper copies where reasonable, it is proposed to retain the duty on the RBS to provide two copies of the approved plans and specifications. The RBS may discharge that duty by providing two paper copies of the approved plans, or one electronic copy.</p>
41	317	<p><b>Provision and display of permit information</b></p> <p>The requirement to have and display permit information on site is now drafted as a strict requirement which can also be enforced with an infringement notice. The builder named in the building permit s required to ensure that:</p> <ul style="list-style-type: none"> <li>• one copy of the building permit and one copy of the plans, specifications and other documents lodged with the application with evidence of approval stamped and endorsed on them are available for inspection, and</li> <li>• the registration numbers and contact details of the builder and the RBS, and the number and the date of issue of the building permit, are displayed on the allotment to which the permit relates in a conspicuous position accessible to the public.</li> </ul>
43	NEW	<p><b>Builder to notify change of name or address</b></p> <p>A builder (i.e. the registered building practitioner who is or is to be named as the builder in the building permit) must notify the owner and the RBS within 14 days of any change to their name or address.</p>

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44	319	<p><b>Documents to be given to council</b></p> <p>Additional documentation is required to be given to council for public record-keeping purposes. This comprises:</p> <ul style="list-style-type: none"> <li>• any determination issued by the RBS under <b>reg 111(2)</b> that protection work is required</li> <li>• a record under <b>reg 38</b> that a performance solution complies with a performance requirement of the NCC</li> <li>• any s 238 certificate relied on by the RBS together with any record of a building practitioner made under <b>reg 124</b></li> <li>• a copy of any permit required for the construction, installation or alteration of a septic tank system.</li> </ul>
45	320	<p><b>Lodgement fees</b></p> <p>The fee for lodging documents with council for public record-keeping purposes have increased to 8.23 fee units. Fees are now based on the cost of providing this service. A lodgement fee is required for all building work, except for a building permit relating to a building which is public facility.</p>
47	322	<p><b>Information the RBS must give to the Authority</b></p> <p>The information that the RBS must provide to the VBA will be prescribed in <b>reg 47</b>. RBSs will be required to report on the same information that RBSs are currently asked to report on to the VBA. From 1 July 2019, the RBS will be required to report on additional information. The details that will be required to be provided about a building permit issued during that month are listed in <b>reg 47(2)</b>. They are:</p> <ul style="list-style-type: none"> <li>• whether an occupancy permit is required in relation to building work</li> <li>• the mandatory notification stages for the building work</li> <li>• whether the building work is subject to a combined allotment determination</li> <li>• whether any exemption from or consent to partial compliance has been granted by the building surveyor under certain regulations</li> <li>• whether a swimming pool or spa barrier is included</li> <li>• whether the RBS determined that protection work is required.</li> </ul> <p>The details that will be required to be reported at the end of each month about an active building permit are listed in <b>reg 47(4)</b>. They are:</p> <ul style="list-style-type: none"> <li>• any extension granted during that month by the RBS to the commencement date or the completion date of the building work, and the new dates, and</li> <li>• any inspection of building work to which the permit applies at a mandatory notification stage.</li> </ul>
48	323	<p><b>Guarantees and bonds</b></p> <p>The maximum bond or guarantee that the RBS may require for the re-erection of a building is increased to \$10,000, from \$5,000.</p>
49	324	<p><b>Period that documents must be kept</b></p> <p>Councils' obligation to keep documents in relation to building permits in their original form for 10 years has changed. Councils must now keep building permit documentation (including protection work documentation) lodged with council, in any manner specified by the Keeper of Public Records.</p>

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52	327	<p><b>Fees for requests for information</b></p> <p>The fee for requesting information from council has been decreased to 3.19 fee units, from 3.67 fee units, to reflect the cost of providing this service.</p>
55	315(4)	<p><b>Lapsing of building permit</b></p> <p>The Regulation clarifies that once a building permit lapses, a person must not carry out building work, and an owner must not permit building work to be carried out. Strict penalties apply under s 16 of the Act.</p>
56	NEW	<p><b>Notice of imminent lapse of building permit – commencement of work</b></p> <p>The RBS must notify the applicant of the imminent lapse of the building permit if the RBS has not conducted the first mandatory inspection of building work within 30 days of the required date for the building work to commence. The RBS must use the prescribed form (Form 3) to notify the applicant.</p>
57	NEW	<p><b>Notice of imminent lapse of building permit – completion of building work</b></p> <p>The RBS must notify the applicant of the imminent lapse of the building permit if the RBS has not conducted the final mandatory inspection of building work within 30 days of the required date for the building work to be completed. The RBS must use the prescribed form (Form 4) to notify the applicant.</p>
58	NEW	<p><b>Copy of notice of imminent lapse of building permit to be provided</b></p> <p>Within 7 days of the RBS issuing a notice under <b>reg 56</b> or <b>57</b>, the RBS must provide a copy of the notice to the owner (if the owner's agent applied for the building permit) and the builder.</p>
59	315(5)	<p><b>Extension of building permit</b></p> <p>The applicant must apply in writing to the RBS for an extension to the commencement or completion dates for approved building work, and the RBS must notify the applicant without delay that the extension is granted, and the new date for the commencement or completion of the work.</p>
60	NEW	<p><b>Application to treat a combined allotment as one allotment</b></p> <p>To obtain a determination that two or more allotments that share at least one common boundary can be treated as one allotment, owners and building surveyors must follow the application process under <b>reg 61</b>.</p>
61	NEW	<p><b>Information to be contained in or documents to accompany application</b></p> <p>Owners seeking a determination from the building surveyor that two or more allotments can be treated as one allotment must include the information or documents listed in <b>reg 61</b> in their application (for example, a description of existing buildings and proposed building work, certificates of title, and evidence of ownership).</p>
62	NEW	<p><b>Building surveyor may request more information</b></p> <p>The building surveyor may request additional prescribed information or documents from the owner(s) to inform their determination on whether two or more allotments can be treated as one allotment.</p>

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63	NEW	<p><b>Application may be refused if information not provided</b></p> <p>If the building surveyor requests additional information and the owner(s) does/do not provide it within the timeframe given by the building surveyor, the building surveyor may refuse an application to treat two or more allotments as one allotment. The building surveyor must give the owner(s) 30 days notice in writing that they intend to refuse the application.</p>
64	502(1) 502(2)	<p><b>Determination to treat a combined allotment as one allotment</b></p> <p>The building surveyor must follow the process outlined in <b>reg 64</b> to issue a determination that two or more allotments can be treated as one allotment. The building surveyor must use the prescribed form (Form 5) to document their determination and provide copies of the determination within 7 days to the owner(s). The building surveyor must also give notice if an application has been refused.</p>
66	502(4)	<p><b>Revocation of determination</b></p> <p>The ability for an MBS to revoke a determination that a combined allotment can be treated as one allotment has been retained. When revoking a determination, the MBS must give each owner written notice within seven days of revoking a determination.</p>
71	406	<p><b>Approved building envelope design overrides siting requirement</b></p> <p>The Regulation clarifies when Pt 5 applies to proposed building work if the site has an approved building envelope which deals with the same siting matter. Definitions for 'agreement and 'plan of subdivision' have been added to <b>reg 71</b>.</p>
79	414	<p><b>Side and rear setbacks</b></p> <p>The Regulation has been clarified in relation to the allowable encroachment for eaves, fascia and gutters. Eaves, fascia and gutters may encroach into a setback by up to 600mm. In addition, rainwater heads may encroach into a setback by up to 500mm.</p>
82	417	<p><b>Solar access to existing north-facing habitable room windows</b></p> <p>The definition of 'north-facing window' has been moved to <b>reg 5</b> Definitions. This regulation has been amended so that it does not apply to an existing north facing habitable room window in a dwelling on an adjoining property that is at a height above the eave line, or parapet, of the proposed building work. In addition, a rainwater head is now an allowable encroachment into the setback from existing north facing habitable room windows.</p>
83	418	<p><b>Overshadowing of recreational private open space</b></p> <p>The definition of 'recreational private open space' has been moved to <b>reg 5</b> Definitions.</p>
85	420	<p><b>Daylight to habitable room windows</b></p> <p>In addition to a verandah, a habitable room window of a building may now also face a porch, deck or balcony if that porch, deck or balcony is open for at least one third of its perimeter.</p>
93	427(2)	<p><b>Fences must not include barbed wire</b></p> <p>A barbed wire fence is permitted as-of-right under the building system if the fence is on an allotment that has an area of 2000 m<sup>2</sup> or more and is used principally for raising livestock.</p>

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95	429	<p><b>Fences and solar access to existing north-facing habitable room windows</b></p> <p>The definition of 'north-facing habitable room window' has been moved to Regulation 5 Definitions. <b>Reg 95</b> has been amended so that it does not apply to an existing north facing habitable room window in a dwelling on an adjoining property that is at a height above the height of the fence being built.</p>
96	430	<p><b>Fences and overshadowing of recreational private open space</b></p> <p>The definition of 'recreational private open space' has been moved to <b>reg 5</b> Definitions.</p>
99	505(1)(b) 505(1)(d) 505(1)(e) 505(2)	<p><b>Architectural features – narrow street</b></p> <p>On a narrow street of 6 m or less in width, architectural features are permitted to project horizontally 240 mm if it is at least 2.7 m above the ground, in certain circumstances.</p>
100	505(1)(b) 505(1)(d) 505(1)(e)	<p><b>Architectural features – medium street</b></p> <p>On a medium street with vehicle traffic (between 6 m and 10 m in width), architectural features can project 600 mm beyond the street alignment if it is at least 5 m above ground level.</p>
101	505(1)(b) 505(1)(d) 505(1)(e)	<p><b>Architectural – wide street</b></p> <p>On a wide street with vehicle traffic (more than 10 m in width), architectural features can project 1.2 m beyond the street alignment if it is at least 5 m above ground level.</p>
102	506	<p><b>Windows and balconies</b></p> <p>A window or balcony that must not project beyond the street alignment more than 1 m horizontally, now must be installed 5 m above ground level if the street is used by vehicle traffic.</p>
104	508	<p><b>Sunblinds and awnings</b></p> <p>A sunblind or awning that projects beyond the street alignment must be installed 5 m above ground level if the street is used by vehicle traffic.</p>
111	602	<p><b>Required protection work</b></p> <p>The RBS must determine if building work gives rise to the need for protection work, and to document that decision in the prescribed form in <b>reg 111</b> (Form 6). The determination must be provided to the owner and/or the applicant within 7 days.</p>
112	NEW	<p><b>Matters RBS must consider when determining if protection work required</b></p> <p>The RBS must have regard to the information, documents and considerations listed in new <b>reg 112</b> when making a determination of whether the nature of the building work gives rise to the need for protection work.</p>
113	602(2) 602(3)	<p><b>Protection work notice</b></p> <p>When an owner serves a protection works notice on the adjoining property owner, the notice must be in the form prescribed in <b>reg 113</b> (Form 7). In addition to enclosing the response notice, the owner must also enclose the RBSs determination under <b>reg 111</b>, a statement published by the VBA explaining the protection works process, the plans and specifications of the proposed work and the protection work, all as prescribed in <b>reg 113</b>.</p>



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115	602(6)	<p><b>Notice of RBS determination</b></p> <p>The RBS must use the form prescribed in <b>reg 115</b> (Form 9) to determine the appropriateness of the protection work. The RBS must include the owner's proposal for protection work and the adjoining owner response notice(s) in the determination.</p>
121	113	<p><b>Fire performance requirements—performance solutions</b></p> <p>The RBS may only rely on a s 238 certificate from a second building surveyor stating that a performance solution complies with a fire performance requirement, if that building surveyor has a Graduate Certificate in Performance Based Building and Fire Codes from Victoria University of Technology (or equivalent as determined by the VBA).</p>
124	NEW	<p><b>Registered building practitioner must document performance solutions in certificate of compliance</b></p> <p>If the RBS has relied on a s 238 certificate under the Act, the registered building practitioner (in the class or category specified under <b>reg 124</b> and including an independent engineer or peer reviewer) who provides the certificate must record in writing how a performance solution has been assessed as meeting the performance requirements of the NCC. The practitioner must provide the RBS with a copy of the record.</p>
126	1507	<p><b>Forms of certificates of compliance</b></p> <p>A registered building practitioner preparing a section 238 certificate of compliance must use the form approved and published by the VBA.</p>
129	309	<p><b>Requirements for permits involving fire safety matters</b></p> <p>The report and consent of the chief officer is no longer required in relation to the design of fire hose reels and proscenium curtain drencher systems.</p>
130	310	<p><b>Report and consent for building over easements</b></p> <p>The RBS must implement any recommendation from a service authority in relation to building over an easement vested in that service authority. A service authority is now a prescribed reporting authority under <b>reg 30</b>.</p>
131	311	<p><b>Report concerning need for electricity sub-stations</b></p> <p>The RBS must implement any recommendation from a service authority regarding the need for electricity sub-station in relation to a building permit application. A service authority is now a prescribed reporting authority under <b>reg 30</b>.</p>
133	610	<p><b>Storm water drainage</b></p> <p>When the RBS approves the design or a stormwater drainage system, the point of discharge must be consistent with the point of discharge identified in the report from council.</p>
141	NEW	<p><b>Swimming pool and spa barrier maintenance</b></p> <p>The swimming pool and spa barrier maintenance requirements have been clarified for practicality. The owner of the land must take all reasonable steps to ensure that a pool and/or spa safety barrier is properly maintained.</p>



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142	1220(1)	<p><b>Swimming pool and spa barrier operation</b></p> <p>The swimming pool and spa barrier maintenance requirements have been clarified. The occupier must take all reasonable steps to ensure that a pool and/or spa safety barrier is operating effectively. This duty can be met by notifying the owner if the barrier is not operating effectively.</p>
143	1220(2) 1220(3)	<p><b>Swimming pool and spa barrier gate must remain closed</b></p> <p>The swimming pool and spa barrier maintenance requirements have been clarified. An occupier must take all reasonable steps to ensure that any gate or door forming part of a safety barrier, must remain closed except when a person is entering or leaving the pool or spa area. A person who opens a gate or door forming part of a safety barrier must close it when they have entered or left the area.</p>
145	707 709	<p><b>Automatic smoke detection and alarm systems</b></p> <p>The retrospective requirement that all residential buildings must have an automatic smoke detection and alarm system has been updated to reference the latest standard in the NCC. However, <b>reg 145</b> does not apply to a residential building that complies with the previous standard specified in <b>reg 707</b> and <b>reg 709</b> of the Building Interim Regulations 2017.</p> <p>The penalty for not meeting this retrospective requirement has been removed as all existing residential buildings should have been brought into compliance. Building surveyors can issue a building notice, building order or emergency order for non-compliance with <b>reg 145</b>.</p>
146	708	<p><b>Residential care buildings – automatic fire suppression system</b></p> <p>The retrospective requirement that all residential care buildings must have an automatic fire sprinkler system has been updated to reference the latest standard in the NCC. However, <b>reg 146</b> does not apply to a residential building that has an approved automatic fire suppression system installed throughout the building.</p> <p>The penalty for not meeting this retrospective requirement has been removed as all existing residential buildings should have been brought into compliance. Building surveyors can issue a building notice, building order or emergency order for non-compliance with <b>reg 146</b>.</p>
147	710	<p><b>Shared accommodation buildings—automatic fire suppression system</b></p> <p>The retrospective requirement that all Class 3 buildings must have an automatic fire sprinkler system has been updated to reference the latest standard in the NCC. However, <b>reg 147</b> does not apply to a Class 3 building that complies with the previous standards specified in <b>reg 710</b> of the Building Interim Regulations 2017.</p> <p>The penalty for the retrospective requirement that all shared accommodation buildings must have an automatic fire sprinkler system has been deleted as all buildings should have been brought into compliance. Building surveyors can issue a building notice, building order or emergency order for non-compliance with <b>reg 147</b>.</p>
148	807(1)	<p><b>Mapping of designated special areas</b></p> <p>‘Designated special areas’ is a defined term under <b>reg 5</b> Definitions.</p>

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167	901(1)	<p><b>Prescribed mandatory notification stages for construction or alteration of building</b></p> <p>There is a new mandatory notification stage after the completion of framework, which is the carrying out of building work of fire and smoke resistant building elements to be inspected under <b>reg 172</b>.</p> <p>As of the 2 June 2018, the RBS must specify on the building permit the fire and smoke resistant building elements to be inspected for the purposes of <b>reg 172</b>.</p> <p><b>Reg 172</b> prescribes the building elements to be inspected. Broadly, they comprise:</p> <ul style="list-style-type: none"> <li>• lightweight construction that is required to resist the spread of fire in multi-unit residential buildings, and</li> <li>• service penetrations designed to resist the spread of smoke and fire in multi-unit residential buildings and health care buildings.</li> </ul> <p>If the building work will include any of the fire and smoke resistant building elements specified in <b>reg 172</b>, the RBS should specify those elements on the building permit.</p>
168	901(1)	<p><b>Prescribed mandatory notification stages for demolition or removal of building</b></p> <p>The mandatory notification stages for the demolition or removal of a building have been documented in <b>reg 168</b> to improve compliance. The inspection stages comprise the inspection of precautions for the safety of the public and demolition, and final inspection on completion.</p>
169	901(1)	<p><b>Prescribed mandatory notification stages for construction of swimming pool or spa</b></p> <p>The mandatory notification stages for the construction of a swimming pool or spa have been documented in <b>reg 169</b> to improve compliance. The inspection stages comprise the completion of any excavation, prior to the pouring of a footing, precautions for safety of the public, and final inspection on completion (including the safety barrier).</p>
170	901(2)	<p><b>Variation of mandatory notification stages</b></p> <p><b>Reg 170</b> clarifies the RBS's power to vary a mandatory notification stage if it is not relevant to the construction or alteration of a building. The prescribed mandatory notification stages for demolition of a building, or construction of a swimming pool or spa are so important that they are always required, unless the RBS can demonstrate that they are not relevant to the building work.</p>
171	901(3)	<p><b>Building permit must specify mandatory notification stages</b></p> <p>Although this Regulation has been redrafted, the RBS must still record the required mandatory inspection stages on the building permit issued for that building work.</p>

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172	NEW	<p><b>Building surveyor must cause fire and smoke resisting building elements to be inspected</b></p> <p>The RBS must cause to be inspected the building work relating to fire and smoke resistant building elements listed under <b>reg 172</b>.</p> <p>The RBS must ensure that the following building work is inspected on each floor of a Class 2, 3, or 4 building:</p> <ul style="list-style-type: none"> <li>• any building element that is lightweight construction and that is required to resist the spread of fire in at least one sole occupancy unit</li> <li>• one of each stair shaft, lift shaft or service shaft that is lightweight construction and that is required to resist the spread of fire</li> <li>• the components of each of the above fire rated building elements</li> <li>• the junctions of each of the above fire rated building elements with other building elements.</li> </ul> <p>On each floor of a Class 2, 3, 4 9a or 9c building, the RBS must ensure that at least the following building work is inspected:</p> <ul style="list-style-type: none"> <li>• one of each type of fire protection method for each type of service penetration to any building element that is required to resist the spread of fire or smoke.</li> </ul> <p>The timing of the inspections must occur when the components and junctions of the lightweight construction and service penetrations are accessible and able to be clearly viewed to ensure compliance with the manufacturer’s requirements and performance solutions.</p>
177	903	<p><b>Emergency orders</b></p> <p>An MBS issuing an emergency order should include the date of any inspection(s) in the order if applicable. If the MBS relies on an inspector for any inspection prior to issuing the emergency order, the MBS should record that information in the emergency order.</p>
178	NEW	<p><b>Form of emergency orders</b></p> <p>The MBS should use the new non-mandatory form when issuing an emergency order. See Form 10 in the Regulations.</p>
179	904	<p><b>Building notices</b></p> <p>An RBS issuing a building notice should include the date of any inspection(s) in the order if applicable.</p> <p>If another person conducts the inspection on the behalf of a RBS that information is required to be recorded.</p>
180	NEW	<p><b>Form of building notice</b></p> <p>The RBS should use the new non-mandatory form when issuing a building notice. If the RBS relies on an inspector for any inspection prior to issuing the building notice, the RBS needs record that information on the form. See Form 11 in the Regulations.</p>
181	905	<p><b>Building orders</b></p> <p>An RBS issuing a building order should include the date of any inspection(s) in the order if applicable. If another person conducts the inspection on the behalf of a RBS that information is required to be recorded.</p>

Building Regulation 2018 number	Building Interim Regulation 2017 number	Changes with the commencement of the Building Regulations 2018
182	NEW	<p><b>Form of building order</b></p> <p>The RBS should use the new non-mandatory forms when issuing a building order. If the RBS relies on an inspector for any inspection prior to issuing the building order the RBS should record that information on the form. See Forms 12 to 14 in the Regulations.</p>
185	1001(2)	<p><b>Exemptions from occupancy permit</b></p> <p>This Regulation has been clarified so that it includes all exemptions from the requirement to obtain an occupancy permit. It now references Sch 3 Exemptions from building work.</p>
186	1002	<p><b>Application for occupancy permit</b></p> <p>An applicant must use the updated prescribed form to apply for an occupancy permit. See Form 15 in the Regulations. The applicant must attach the compliance certificates for the plumbing and electrical work to the application form.</p>
191	NEW	<p><b>Time within which MBS must decide application to amend occupancy permit</b></p> <p><b>Reg 191</b> introduces a time limit for the MBS to decide an application to amend an occupancy permit. The MBS must make a decision within 7 business days for a Class 1 building (a dwelling), and 14 business days for all other classes of buildings.</p>
192	1005	<p><b>Form of occupancy permit</b></p> <p>The RBS must use the updated prescribed form when issuing an occupancy permit. See Form 16 in the Regulations.</p>
193	NEW	<p><b>RBS to provide copy of permit</b></p> <p>The RBS must give a copy of the occupancy permit to the applicant within 7 days after issuing the permit.</p>
194	1203	<p><b>Occupancy permit must specify ESMs and related requirements</b></p> <p><b>Reg 194</b> clarifies the information to be provided on the occupancy permit for the ESMs in a building or place, including the ESMs to be provided, the level of performance they are required to fulfil, and the frequency and type of inspection, testing and maintenance required for each ESM.</p>
195	NEW	<p><b>Condition on occupancy permit</b></p> <p><b>Reg 195</b> clarifies for building owners and occupants that it is a condition of occupying a building or place that the ESMs are inspected, tested and maintained. In addition, if a maintenance determination is made, and an occupancy permit applies to the building or place of public entertainment, it is a condition of occupancy that the ESMs listed in the maintenance determination are inspected, tested and maintained. For ease, the RBS must issue the owner with a maintenance schedule under <b>reg 218</b>, which consolidates all of the ESMs to be maintained.</p>
197	1007	<p><b>Display of occupancy permit at approved location</b></p> <p>The owner must ensure that a copy of the occupancy permit is displayed in an approved location. This is now an infringement offence.</p>
200	1006	<p><b>Form of certificate of final inspection</b></p> <p>The RBS must use the updated prescribed form when issuing a certificate of final inspection. See Form 17 in the Regulations.</p>

Building Regulation 2018 number	Building Interim Regulation 2017 number	Changes with the commencement of the Building Regulations 2018
202	1010	<p><b>Keeping of occupancy permit records</b></p> <p>Councils' obligation to keep documents in relation to building permits in their original form for 10 years have changed. Councils must now keep building permit documentation (including protection work documentation) lodged with council, in any manner specified by the Keeper of Public Records.</p>
203	1013	<p><b>Documents to be given to council</b></p> <p>The RBS must give council new additional documents, including a determination that protection work was required, a copy of the certificate of final inspection and certificates of inspection issued for other mandatory notification stages, and the records of any pile-driving or testing of materials that took place during the building work.</p>
204	1014	<p><b>Prescribed time to give council other documents</b></p> <p><b>Reg 204</b> has been clarified as underlined. The RBS is required to give council a copy of the occupancy permit or an amendment to the occupancy permit or temporary approval within 7 days after issue.</p>
209	1103	<p><b>Prescribed place of public entertainment</b></p> <p>The council is now the RBS for the Melbourne Cricket Ground for the purpose of an application for an occupancy permit for a place. The VBA is no longer the RBS for this purpose.</p>
211	NEW	<p><b>Safety officer qualifications</b></p> <p>Conditions on an occupancy permit for a place may include the engagement of safety officers. <b>Reg 211</b> allows the VBA and the Chief Officer to publish a list of safety training qualifications that may be held by a person engaged as a safety officer.</p>
214	1202 1213	<p><b>Definitions in this division</b></p> <p>The RBS has more scope to prescribe an ESM on a maintenance determination or maintenance schedule. The definition of 'essential safety measure' in relation Div 1, Part 15 of the Regulations has been amended to include, any other measure (including an item of equipment, form or construction or safety strategy) required for the safety of people using the building or place.</p>
215	1204	<p><b>Maintenance determinations for ESMs in buildings and or places of public entertainment</b></p> <p>The form of a maintenance determination is to be in a form approved by the VBA and it must include the frequency and type of inspection, testing and maintenance required for the ESM. <b>Reg 215</b> clarifies that the RBS must provide the determination:</p> <ul style="list-style-type: none"> <li>• to the owner with the certificate of final inspection</li> <li>• if the ESM is required under an emergency order or a building order, to the council with a report confirming that the order has been fully complied with.</li> </ul>
216	1205	<p><b>Owner must comply with maintenance determination</b></p> <p><b>Reg 216</b> clarifies that an owner of a building or place who is issued a maintenance determination, must ensure that the ESMs perform and are inspected, tested and maintained, as required in the determination. The penalty for this summary offence has doubled to 20 penalty units.</p>

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218	NEW	<p><b>RBS must prepare or update maintenance schedule for an existing building or place</b></p> <p>The RBS must now prepare or update the maintenance schedule for a building or place in certain circumstances. The RBS must do this when they amend an occupancy permit or issue a maintenance determination. The determination must comply with Regulation 220, and the owner must provide all relevant records to assist the RBS to prepare it. <b>Reg 218</b> is now an infringement offence.</p>
221	NEW	<p><b>Building surveyor must give owner copy of maintenance schedule</b></p> <p>The RBS must give a copy of the maintenance schedule to the owner of the building or place without delay.</p>
222	1206(2) 1206(4)	<p><b>Maintenance schedules</b></p> <p>The RBS must use the form approved by the VBA to prepare a maintenance schedule.</p>
223	1208 1214	<p><b>Owner must prepare annual ESMs report</b></p> <p>The penalty for the summary offence for an owner who does not prepare an annual ESM report has doubled to 20 penalty units.</p>
224	1209 1215	<p><b>Contents and form of annual ESMs report</b></p> <p>The owner is required to state in the annual ESM report that the ESMs have been inspected, tested and maintained in accordance with the Act and these Regulations.</p> <p>If applicable, the owner is required to make a statement that they have complied with AS 1851-2012 for the maintenance, service and testing of ESMs.</p>
225	1207 1211 1216	<p><b>Records relating to ESMs must be made available</b></p> <p>An owner of building or place is required to ensure that the following documents are available for inspection within 24 hours notice:</p> <ul style="list-style-type: none"> <li>• annual ESM reports for the past ten years</li> <li>• all (current and historical) maintenance schedules and determinations.</li> </ul> <p>The penalty for the summary offence has been doubled to 20 penalty units, and this is an infringement offence.</p>
226	1217(a)	<p><b>Maintenance responsibility of owner of building or place</b></p> <p>This Regulation has been redrafted to provide a number of improvements. These are:</p> <ul style="list-style-type: none"> <li>• The Regulation now applies to post-1994 buildings and places. Therefore, an owner is required to maintain an ESM, irrespective of the age of the building or place.</li> <li>• The maintenance obligation now applies in certain circumstances. These circumstances are if an owner is not occupying the building, or if the ESM is not subject to a maintenance determination. This is designed to ensure that an owner who does not maintain an ESM will not have committed multiple offences and that the strictest offence will apply.</li> <li>• The enforcement options have been expanded to include an infringement offence, as well as a summary offence.</li> <li>• The penalty for the summary offence for an owner who does not maintain an ESM under this Regulation has doubled to 20 penalty units.</li> </ul>

Building Regulation 2018 number	Building Interim Regulation 2017 number	Changes with the commencement of the Building Regulations 2018
227	1217(b)	<p><b>ESMs not to be removed from approved locations</b></p> <p>The penalty for the summary offence for an owner who allows an ESM to be removed or moved (except temporarily and for the purposes of maintaining the ESM) has doubled to 20 penalty units.</p>
228	1218	<p><b>Maintenance of exits by occupiers of buildings or places of public entertainment</b></p> <p>Requires all building occupants to keep exits and paths of travel accessible, functional and clear of obstruction. The penalty for the summary offence has been doubled to 20 penalty units.</p>
229	1011	<p><b>Change of use</b></p> <p>The penalty for the summary offence has doubled (to 20 penalty units) for a person who changes the use of a building or place without the building or place complying with the requirements of the Regulations applicable to the new use. The building surveyor must use the prescribed form to document their decision to exempt a building or place from compliance with any of the Regulations. See Form 18 in the Regulations.</p>
231	503	<p><b>Subdivision of existing building</b></p> <p>A summary offence has been introduced with a penalty of 20 penalty units. It is an offence if each new building resulting from a subdivision of an existing building is not brought into compliance with the Regulations.</p> <p>The building surveyor (MBS or private building surveyor) must use the prescribed form to document their decision to exempt a building or place from compliance with any of the Regulations. See Form 18 in the Regulations.</p>
233	608	<p><b>Alteration to existing building</b></p> <p>The RBS must use the prescribed form to document their decision to consent to partial compliance with the Regulations. See Form 18 in the Regulations.</p>
234	609	<p><b>Alterations affecting exits and paths to exits</b></p> <p>The RBS must use the prescribed form to document their decision to consent to partial compliance with the Regulations. See Form 18 in the Regulations.</p>
239	1402	<p><b>Prescribed persons and bodies to accredit building products</b></p> <p>For the purposes of building product accreditation under the Act, a person or body authorised by the Australian Building Codes Board is now a prescribed person or body. The Australian Building Codes Board continues to be a prescribed body.</p>
240	110	<p><b>Definition of Certificate of Accreditation in the BCA</b></p> <p>This Regulation has been redrafted to support the definition of 'Certificate of Accreditation' in the BCA, and to provide reference to the Building Regulations Advisory Committee.</p>



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242	1404	<p><b>Application for accreditation</b></p> <p>A person who applies to BRAC to have a building product accredited must use the prescribed form. See Form 19 in the Regulations.</p> <p>The type of documentation that BRAC may require with an application (which was previously included in a form published by the VBA) has been incorporated into <b>reg 242</b>, and includes:</p> <ul style="list-style-type: none"> <li>• an appraisal of the building product from an organisation or person nominated by BRAC, addressing any matter relating to the properties and performance of a building product requested by BRAC</li> <li>• a report from an Accredited Testing Laboratory or a Registered Testing Authority, showing that the building product has been submitted to the tests listed in the report and setting out the result of those tests and any other relevant information to demonstrate the suitability of the product for its purpose</li> <li>• any installation manual produced for the building product</li> <li>• any other information or document required by BRAC.</li> </ul>
245	1406 1407(b)(i)	<p><b>Certificate of accreditation</b></p> <p><b>Reg 245(2)</b> prescribes the information that must be included in a certificate of accreditation issued by the VBA.</p> <p>The VBA must now include the prescribed information in a notice of accreditation, which is published in the Victorian Government Gazette.</p>
247	NEW	<p><b>Holder may request revocation of accreditation</b></p> <p>The holder of a certificate of accreditation may request in writing that BRAC revoke the accreditation. This is a new mechanism.</p>
248	1407(b)(ii)	<p><b>Notice of revocation of accreditation</b></p> <p>The information to be included in a notice of revocation is now prescribed. The VBA must include the prescribed information in a notice of revocation that is required to be published in the Victorian Government Gazette.</p>
249	NEW	<p><b>Accreditation ceases to have effect on revocation</b></p> <p>A building product accreditation issued by the VBA ceases to have effect if BRAC revokes the accreditation.</p>
250	1411	<p><b>Offence to falsely claim product accredited</b></p> <p>The offence has been clarified so that it is an offence to knowingly claim that a building product is accredited if it is not accredited.</p>
251	1407	<p><b>Register of accredited products</b></p> <p>The information to be included in the register of accredited products is now prescribed. The VBA must include the prescribed information on the register for each building product accredited by BRAC, or formerly accredited by BRAC.</p> <p>The VBA must update the register after BRAC revokes a product accreditation. The VBA may publish the register on the VBA's website, and the VBA must make the register available for inspection without a fee, during business hours.</p>

Building Regulation 2018 number	Building Interim Regulation 2017 number	Changes with the commencement of the Building Regulations 2018
252	1409	<p><b>Records</b></p> <p>In addition to keeping all documents considered by BRAC (such as applications for accreditation) until the accreditation is revoked, the VBA must keep copies of all certificates issued by the VBA (such as, certificates of accreditation and revocation).</p>
253	NEW	<p><b>Applications for registration</b></p> <p>An applicant for registration as a building practitioner must use the form approved by the VBA.</p>
254	NEW	<p><b>Information to accompany application for registration</b></p> <p>The information that an applicant for building practitioner registration provides with their application form, is now prescribed, and includes:</p> <ul style="list-style-type: none"> <li>• proof of identity</li> <li>• evidence of employment history</li> <li>• certified copy of any inter-state licence or registration relevant to the application</li> <li>• certified copy of relevant academic qualifications</li> <li>• certified copies of any other documents requested by the VBA.</li> </ul>
262	NEW	<p><b>Applications for renewal of registration</b></p> <p>An applicant for renewal of registration as a building practitioner must use the form approved by the VBA.</p>
263	NEW	<p><b>Renewal criteria for application for renewal of registration</b></p> <p>An applicant for renewal of registration as a building practitioner must provide any proof of identity required by the VBA.</p>
268	1811	<p><b>Builders of Class 10 buildings</b></p> <p>Although the wording for this Regulation has changed to align better with the Act, the effect of this Regulation has not changed. Builders solely engaged in the business of constructing certain Class 10 buildings, may continue to carry out that work without being registered as a building practitioner in the appropriate class or category. In addition, the RBS is not required to be satisfied that this type of builder is registered before issuing a building permit.</p>
269	1810	<p><b>Domestic builders if work less than \$10,000</b></p> <p>Although the wording for this Regulation has changed to align better with the Act, the effect of this Regulation has not changed. Builders solely engaged in the business of carrying out certain domestic building work valued at \$10,000 or less, may continue to carry out that work without being registered as a building practitioner in the appropriate class or category.</p>
270	1813 1814	<p><b>Draftsperson doing certain domestic building work</b></p> <p>Although the wording for this Regulation has changed to align better with the Act, the effect of this Regulation has not changed. Draftspersons engaged in the business of preparing documentation relating to permits or plans:</p> <ul style="list-style-type: none"> <li>• in relation to domestic building work valued at \$10,000 or less, or</li> <li>• for a building practitioner registered in the category as an engineer, may continue to carry out that work without being registered as a building practitioner in the appropriate class or category.</li> </ul>

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271	1601	<p><b>Appeal periods</b></p> <p>The timeframes for affected parties to request a review or appeal of decisions or determinations made under the Act have been redrafted to provide specific appeal periods for each section of the Act. No changes have been made to the appeal periods themselves.</p>
273	1602(f) 1603 1604	<p><b>Fees for fast track appeals</b></p> <p>The additional fee for an on-site inspection by members of the Building Appeals Board has been removed. The remaining fee amounts have not changed.</p>
276	1702	<p><b>Authorised officers</b></p> <p>The offences that the authorised officers may serve on a person have been updated. Authorised officers may serve new infringement notices, as follows:</p> <ul style="list-style-type: none"> <li>• <b>Reg 41(1)</b>, CEO of VBA, a VBA inspector and MBS</li> <li>• <b>Reg 197(2)</b>, CEO of VBA, a VBA inspector and MBS</li> <li>• <b>Reg 218(3)</b>, CEO of VBA, a VBA inspector, Chief Officer and MBS.</li> </ul>
277	1703	<p><b>Prescribed offences</b></p> <p><b>Reg 277</b> prescribed the infringement offences for non-compliance with the Act or the Regulations. New infringement offences apply to:</p> <ul style="list-style-type: none"> <li>• <b>Reg 41(1)</b> Provision and display of permit information</li> <li>• <b>Reg 197(2)</b> Display of occupancy permit and approved location</li> <li>• <b>Reg 218(3)</b> RBS must prepare or update maintenance schedule for an existing building or place.</li> </ul>
279	1802	<p><b>Exemptions from building regulations</b></p> <p>This Regulation exempts certain buildings or building work from certain Regulations listed in Sch 3. Some exemptions in Sch 3 have been revised or clarified. These are:</p> <ul style="list-style-type: none"> <li>• Sitting of Class 10a buildings, Sch 3 item 1, the exemption for the construction of a shed not exceeding 10 m<sup>2</sup> has been revised to allow the as-of-right construction of such a shed on undeveloped land. The shed will need to meet the building height and setback requirements.</li> <li>• Construction of Class 10b structures Sch 3 item 12, the exemption for the construction of a sign has been clarified so that the exemption applies to a Class 10b structure constructed to display a sign.</li> </ul>
286	NEW	<p><b>Revocation of Regulations prescribing fees</b></p> <p>The fees for services provided by councils have been changed to bring their fees closer to full cost recovery.</p> <p>The fee Regulations will operate until 1 July 2020, which will provide time for a full review of all fees (i.e. for services provided by councils, the VBA and the Building Appeals Board). All fees will remain the same until the fee review is completed.</p>