

Subordinate Legislation Act 1994

NOTICE OF DECISION

Building Act 1993

As Minister responsible for the **Building Act 1993**, I give notice under section 12 of the **Subordinate Legislation Act 1994** that further to public consultation on a regulatory impact statement (RIS), I have decided to recommend the making of the Building Regulations 2018, to replace the Building Interim Regulations 2017, which expire on 3 June 2018.

Following feedback in the submissions to the RIS, I intend that the Building Regulations 2018 will include amendments to the consultation draft Building Regulations 2017. The amendments are in response to feedback as follows:

- To give effect to the policy intent in the RIS to encourage the use of electronic documents, permit applicants must provide a copy (either electronic or paper copy) of their documents and the relevant building surveyor can ask for additional copies where reasonable.
- To allow the Victorian Building Authority (VBA) to adjust their IT systems, the additional building permit reporting requirements will commence on 1 July 2019, to coincide with the start of the building permit numbering system.
- To reduce the number of notices issued by relevant building surveyors, the timing for when a relevant building surveyor must give notice of the imminent lapse of a building permit has been reduced from three months, to 30 days.
- To give effect to the policy intent expressed in the RIS to allow the construction of one small Class 10a building on undeveloped land, the relevant siting regulation and the relevant schedule of exemptions from building work have been clarified.
- To simplify the record of a determination made by the relevant building surveyor that protection work is required, the regulation has been amended to require a relevant building surveyor to complete a single form if they determine that protection work is required.
- To reinforce the importance of section 238 certificates of compliance for determining compliance with the **Building Act 1993** and the regulations, these certificates must be in a form approved by the VBA.
- In response to feedback regarding pool safety, the Victorian Government is progressing a legislative amendment to introduce a registration, compliance and enforcement regime for existing swimming pool and spa barriers. A decision on regulations to require owners to upgrade their barrier to the latest standard is to be deferred, as feedback indicated the legislative amendment referred to above would be a more effective approach.
- The current requirement to obtain the report and consent of council to construct a building on land liable to flooding will be maintained so as not to increase in the severity of flooding.
- Feedback indicated that the mandatory notification stage for fire resistant construction would require multiple inspections. To address this issue, the regulations have been made more targeted and apply to higher risk classes of buildings, and higher risk types of construction.
- The proposed two new mandatory notification stages for any waterproofing membrane in a wet area, and any stormwater drainage connection, have been removed. These regulations are not required as new section 16(4A), which is inserted in the **Building Act 1993** by the **Building Amendment (Enforcement and Other Measures) Act 2017**, will cover this requirement.

The Building Regulations 2018 will carry forward any amendments made to the building regulations since the commencement of consultation on the RIS on 18 May 2017.

After the proposed regulations are made, they will become available for download from www.legislation.vic.gov.au

HON. RICHARD WYNNE MP
Minister for Planning