

TASMANIA

BUILDING REGULATIONS 2016
STATUTORY RULES 2016, No.

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BUILDING REGULATIONS 2016

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Building Act 2016*.

Dated 20 .

Governor

By Her Excellency's Command,

Minister for Building and Construction

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Building Regulations 2016*.

2. Commencement

These regulations take effect on the day on which the *Building Act 2016* commences.

3. Interpretation

(1) In these regulations –

Act means the *Building Act 2016*;

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approved disposal system means a system approved under any Act for the disposal of sewage, stormwater or trade waste;

assembly building means a Class 9b building;

automatic control device means a device that uses a valve, including a ball float control valve, or a switch, to automatically control the flow of water;

backflow prevention device means a device used to prevent the reverse flow of water from a potentially polluted source into a drinking water supply system;

Chief Officer has the same meaning as in the *Fire Service Act 1979*;

council has the same meaning as in the *Local Government Act 1993*;

declared flood level means the defined flood level declared under regulation 40(2);

educational institution means –

- (a) a school within the meaning of the *Education Act 1994*; or
- (b) a campus as defined in the *Education and Training (Tasmanian Academy) Act 2008*; or
- (c) a campus of TasTAFE created by the *Training and Workforce Development Act 2013*;

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electricity entity means a person licensed to carry on operations in the electricity supply industry under the *Electricity Supply Industry Act 1995*;

fire hazard material means a material determined by the Director of Building Control to be a fire hazard for the purposes of these regulations;

fire safety requirements means the matters set out in Schedule 1;

fire safety system includes any one or more of the following:

- (a) booster assemblies;
- (b) fire mains, hydrants and hose reels;
- (c) sprinklers;
- (d) fire and smoke alarms;
- (e) fire control centres;
- (f) provisions for special fire hazard premises;
- (g) stairwell pressurisation;
- (h) air-handling systems;
- (i) smoke and heat vents;
- (j) smoke exhausts;
- (k) emergency lifts;

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- (l) emergency warning and intercommunication systems;

food premises includes –

- (a) a food business within the meaning of the *Food Act 2003*; and
- (b) a primary produce business within the meaning of the *Primary Produce Safety Act 2011*;

gas entity has the same meaning as in the *Gas Act 2000*;

greywater means the domestic wastes from baths, showers, basins, laundries and kitchens but does not include toilet or urinal wastes;

heating appliance means a stove, or heater or similar appliance, which burns oil or solid fuel;

licence number, in relation to a licensed builder or licensed plumber, means –

- (a) in relation to an owner builder, the unique number of his or her owner builder permit under the *Occupational Licensing Act 2005*; or
- (b) in any other case, the number of the licence issued to the person

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under the *Occupational Licensing Act 2005* that authorises the holder of the licence to perform the relevant work;

pre-treatment equipment means equipment used to change the physical or chemical characteristics of trade waste;

public authority includes –

- (a) the Crown, within the meaning of the *Crown Proceedings Act 1993*; and
- (b) a council; and
- (c) a single authority, controlling authority or joint authority established under Part 3 of the *Local Government Act 1993*; and
- (d) a statutory authority; and
- (e) a State-owned company; and
- (f) a Regional Corporation, or a Common Services Corporation, within the meaning of the *Water and Sewerage Corporation Act 2012*; and
- (g) a regulated entity;

regulated entity has the same meaning as in the *Water and Sewerage Industry Act 2008*;

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sewage means water-borne waste of human origin consisting of faecal matter, greywater, urine or liquid household waste;

special fire hazard premises includes –

- (a) a building in which one or more fire hazard material is used as a principal material for, or in connection with, the processing, making, assembling, alteration, adaptation, repair, renovation, preparation, ornamentation, finishing, cleansing or washing of a commodity, good, substance or article; and
- (b) an aircraft hangar, distillery, film and television studio and high-pile or high-stack storage building;

State-owned company means a company incorporated under the Corporations Act that is controlled by –

- (a) the Crown, a Minister, a Government Business Enterprise or a statutory authority; or
- (b) another company that is so controlled;

statutory authority means a body or authority, whether incorporated or not, that is established or constituted by or under an

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Act or under the royal prerogative, being a body or authority which, or of which the governing authority, wholly or partly comprises a person or persons appointed by the Governor, a Minister or another statutory authority;

stormwater means –

- (a) rainwater which runs off the roof of a building or structure; or
- (b) surface water; or
- (c) subsoil water;

subsoil water means natural groundwater, seepage or run-off from the ground that is water-bearing due to rainfall;

surface water means run-off from downpipes, or paved or unpaved areas, due to rainfall;

Tasmania Fire Service means the Tasmania Fire Service established under the *Fire Service Act 1979*;

testable backflow prevention device means –

- (a) a backflow prevention device that is provided with test taps for the purpose of testing its operation; or
- (b) a device, system or tank that –

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- (i) is installed for the purpose of backflow prevention; and
- (ii) has been registered by the permit authority to ensure the device, system or tank is inspected and maintained to ensure it functions as it is designed to function;

trade waste means the liquid waste, other than sewage, generated by any industry, business, trade or manufacturing process;

unique plumbing installation means a plumbing installation that –

- (a) is a prototype, or one-off, installation permitted to be installed under the Act; and
- (b) is specifically designed for the premises in which it is, or is to be, installed; and
- (c) is not for general sale;

unregistrable relocatable building means a building that –

- (a) is designed to be relocatable between sites; and

- (b) is not registrable as a motor vehicle or trailer under the *Vehicle and Traffic Act 1999*;

wastewater means spent or used water, including greywater or blackwater, which contains dissolved or suspended matter;

water main means a pipe which is used to convey water from a regulated entity's water supply to premises;

water supply system means the part of the water service from the water main or alternative water source to, and including –

- (a) the outlet valves at fixtures and appliances; and
 - (b) a fire safety system.
- (2) Unless the contrary intention appears, an expression used in these regulations that is defined in the National Construction Code has the same meaning in these regulations as it has in the National Construction Code.

4. Temporary structures

For the purposes of the definition of *temporary structure* in section 4(1) of the Act, the following structures are prescribed:

- (a) residential accommodation premises that are erected for a temporary use;

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- (b) demountable classrooms or other buildings that are erected for a temporary use;
- (c) prefabricated buildings that are erected for a temporary use;
- (d) a mobile structure or enclosure;
- (e) a temporary bridge that is assembled and not constructed on site;
- (f) a temporary stage or temporary platform;
- (g) a temporary mast, or aerial or post, if more than 6 metres high;
- (h) a temporary tower;
- (i) a temporary seating structure, including a mobile seating structure;
- (j) a marquee, whether or not part of the marquee is permanent.

5. Prescribed periods of time

For the purposes of the Act, a period of time specified in Schedule 2 in respect of a section of the Act is the period prescribed for the purposes of that section.

6. Application of provisions of other Acts

Unless the contrary intention appears, nothing in these regulations removes, or replaces, an obligation or requirement under the Act or any

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other Act in respect of work to be performed
under the Act.

PART 2 – ADMINISTRATION

7. Director of Building Control may make guidelines

For the purposes of section 19(1)(f) of the Act, the following matters are prescribed as matters in respect of which the Director of Building Control may make guidelines:

- (a) the role of the permit authority;
- (b) the role of a building surveyor;
- (c) the procedures to be followed under the Act to ensure compliance;
- (d) protection work, including when it should be performed and what protection work may be required;
- (e) the requirements and procedures for an application or notification made under the Act;
- (f) the requirements and procedures to approve a variation of the performance of work under a permit under section 148(2), 174(2) or 198(2) of the Act;
- (g) the form, content and information required to be included in a written certificate, notification, direction or other document issued or provided by an authorised person under the Act.

8. Director of Building Control may make determinations

For the purposes of section 20(1)(e) of the Act, the following matters are prescribed as matters in respect of which the Director of Building Control may make a determination:

- (a) the design standards for work performed in respect of buildings or structures;
- (b) the frequency, and means, of testing and maintaining essential building services;
- (c) the frequency, and means, of performing maintenance under the Act, including –
 - (i) technical guidance and performance criteria for the performance of maintenance; and
 - (ii) the qualifications required for a person to perform certain maintenance work;
- (d) circumstances where protection work must be performed;
- (e) the form, content, requirements and procedures for compliance audits carried out under the Act;
- (f) the form, content, requirements and procedures for certificates and reports used, and relied on, under the Act;

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- (g) the form, content, design and installation requirements, assessments and approvals of a unique plumbing installation;
- (h) time periods, including specified periods, to be observed under the Act that are not otherwise prescribed in accordance with the Act;
- (i) the determination of when a structure is a temporary structure, or a structure erected for a temporary use, for the purposes of the Act;
- (j) the accreditation, maintenance and use requirements for on-site wastewater management systems;
- (k) the procedure for applying for, and the content and form of, a building certificate under regulation 83.

9. Reporting authorities

For the purposes of the definition of *reporting authority* in section 4(1) of the Act, the following authorities are prescribed:

- (a) in relation to fire safety requirements, the Chief Officer;
- (b) in relation to food safety, the environmental health officer for the relevant municipal area;
- (c) in relation to disability access, the Anti-Discrimination Commissioner appointed

under section 5 of the *Anti-Discrimination Act 1998*.

10. Function control authorities

For the purposes of the definition of *function control authority* in section 4(1) of the Act, an authority specified in Schedule 3 in respect of a type of special-use building is the function control authority prescribed for that type of special-use building.

PART 3 – PERFORMANCE OF WORK GENERALLY

11. Change of parties involved in certain building work

For the purposes of section 51(3)(b) of the Act, the following information is prescribed in respect of an owner of premises who intends to perform work as an owner builder:

- (a) if he or she ceases to be owner of the premises, that he or she is no longer an owner builder in respect of the premises;
- (b) if his or her owner builder permit under the *Occupational Licensing Act 2005* is cancelled, the cancellation of that permit;
- (c) if he or she engages a licensed builder, other than an owner builder, to perform the work, that he or she is no longer an owner builder in respect of the work.

12. Alterations generally

A person must not erect a permanent structure or construct an impervious pavement, or alter such a structure or pavement, over an on-site waste water management system unless authorised to do so under the Act.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or

- (b) a body corporate, a fine not exceeding 150 penalty units.

13. Alterations or extensions of existing buildings

A person must not, as part of work performed to alter or extend an existing building, lower the standard, or impair the required operation, of an essential building service of the building if that essential building service relates to health, safety or disability access.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
- (b) a body corporate, a fine not exceeding 150 penalty units.

14. Prevention of nuisances when performing work

- (1) In this regulation –

nuisance includes dirt, dust, fumes, noise, smoke, building and plumbing materials, sewage and concentration of water.

- (2) A person performing work on premises must not allow a nuisance that is caused by the work, or has occurred in the course of the work –
 - (a) to become a risk or threat to public health; or

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- (b) to adversely affect an owner, occupier or user of premises adjoining the premises where the work is being performed.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues.

15. Requirements for demolition performed as part of work

- (1) A person must not demolish, or remove, a building as part of building work or demolition work unless he or she has –
 - (a) removed, in accordance with the Act or any other Act, all known hazardous substances and materials from the premises, where the work is to be performed; and
 - (b) received written advice from –
 - (i) each relevant electricity entity that supplies electricity to the building, that –
 - (A) all supply of electricity to the building has been disconnected; and
 - (B) all aerial or underground electricity supply cables have been removed; and

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- (ii) each relevant gas entity that supplies gas to the building, that –
 - (A) all supply of gas to the building has been disconnected; and
 - (B) all supply lines for gas have been removed; and
 - (c) provided written notification to the following persons, or ensured that the following persons have received written notification, in respect of the following matters:
 - (i) the general manager of the relevant municipal area in respect of the timetable for capping any stormwater services on the premises as part of the work;
 - (ii) the relevant regulated entity in respect of the timetable in which –
 - (A) all sewers on the premises will be capped as part of the work; and
 - (B) all water supply lines on the premises will be sealed off as part of the work;

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- (iii) the Chief Officer in respect of the timetable in which –
 - (A) all telephone lines, or other signalling devices, associated with the monitoring of fire protection equipment monitored by the Tasmania Fire Service on the premises will be disconnected as part of the work; and
 - (B) the water supply to the building, or water supply device, booster or other assembly associated with fire protection equipment on the premises, will be removed, dismantled or altered as part of the work; and
 - (C) all occupant safety systems including emergency warning intercommunication systems, air-handling systems, stairwell pressurisation systems or smoke or fire doors on the premises will be removed, dismantled or altered as part of the work.

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Penalty: In the case of –

- (a) a natural person, a fine not exceeding 50 penalty units; or
 - (b) a body corporate, a fine not exceeding 100 penalty units.
- (2) A person must not, as part of permit building work or permit demolition work, demolish or remove a building in which essential building services that are fire safety requirements are present unless he or she has provided the Chief Officer with a copy of the relevant permit no later than the specified period before the work is to be performed.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 50 penalty units; or
 - (b) a body corporate, a fine not exceeding 100 penalty units.
- (3) A person, when demolishing or removing a building as part of building work or demolition work, must ensure that –
- (a) all reasonable steps are taken at each point in the work to prevent building materials and debris falling onto or into –
 - (i) a place which is open to members of the public; and

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- (ii) premises adjacent to the premises where the demolition is being performed; and
- (b) the positions of capped sewer and stormwater services, and sealed-off water supply lines, are clearly marked at the premises; and
- (c) on completion of the demolition or removal –
 - (i) the site of the demolition or removal is clean and tidy; and
 - (ii) all glass, or other dangerous or hazardous materials, that is debris from the demolition or removal has been removed from the premises.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 50 penalty units; or
- (b) a body corporate, a fine not exceeding 100 penalty units.

16. Protection work to be performed in certain circumstances

For the purposes of section 76 of the Act, if work being performed under the Act –

- (a) involves, or causes, an excavation or void; and

- (b) the Director of Building Control determines that the excavation or void is a danger to the public –

a guard must be provided, as part of the protection work to be performed under the Act in respect of the work, to ensure that members of the public do not gain unauthorised access to the excavation or void.

17. Certificates of likely compliance for notifiable work may be amended

- (1) A person may apply for a certificate of likely compliance, issued in respect of notifiable work, to be amended.
- (2) An application under subregulation (1) –
 - (a) is to contain the specified information; and
 - (b) is to be given to the person who issued the original certificate of likely compliance.
- (3) A person who receives an application under subregulation (1) may –
 - (a) refuse to amend the certificate of likely compliance; or
 - (b) amend all or part of the certificate of likely compliance; or

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- (c) ask for further information and, after considering the further information, may –
 - (i) refuse to amend the certificate of likely compliance; or
 - (ii) amend all or part of the certificate of likely compliance.
- (4) A person who issued a certificate of likely compliance for notifiable work may, without an application under subregulation (1), amend the certificate of likely compliance if he or she is still authorised under the Act to issue certificates of likely compliance.
- (5) If a person amends a certificate of likely compliance for notifiable work under this regulation, the person is to issue a new certificate of likely compliance in respect of the work that reflects the amendment.

18. Mandatory notification stages

- (1) For the purpose of the Act, the following stages of building work are stages where, on the completion of those stages, the responsible person for the work is required to notify the relevant building surveyor for the work:
 - (a) covering the foundations of the work;
 - (b) pouring structural concrete;
 - (c) cladding or building in the structural framework;

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- (d) completion of the building work;
 - (e) any other stage of work listed as a notification stage in a condition on the certificate of likely compliance for the work.
- (2) For the purpose of the Act, the following stages of plumbing work are stages where, on the completion of those stages, the responsible person for the work is required to notify the relevant permit authority for the work:
- (a) installation of plumbing work that is to be covered;
 - (b) commissioning plumbing work that has been performed under the authority of a plumbing permit;
 - (c) completion of the plumbing work;
 - (d) any other stage of work listed as a notification stage in a condition on the certificate of likely compliance, or plumbing permit, for the work.
- (3) A person is not permitted to proceed past a mandatory notification stage of work –
- (a) if the work is building work, until the relevant building surveyor has consented to the work proceeding; or
 - (b) if the work is plumbing work, until the relevant permit authority has consented to the work proceeding; or

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- (c) if the relevant building surveyor, or relevant permit authority, does not perform an inspection of the work within the prescribed period as required under the Act, until after the expiry of the prescribed period; or
 - (d) if a notice, order or direction is made under the Act as part of an inspection of the mandatory notification stage, until the order, notice or direction has been –
 - (i) complied with to the satisfaction of the person who issued the notice or order or made the direction; or
 - (ii) revoked; or
 - (e) if no notice, order or direction is made under the Act in respect of the mandatory notification stage, until the prescribed period in which the inspection may be performed under the Act has expired.
- (4) If a building surveyor or permit authority decides to not perform an inspection of work at a mandatory notification stage for the work, the building surveyor or permit authority –
- (a) is to notify the responsible person for the work that he or she does not intend to inspect the work; and
 - (b) must make a record of –

- (i) the reason why the inspection was not carried out; and
- (ii) the details of any alternative inspection, or certification, of the work that was relied on in place of the inspection.

19. Inspections of work

If an inspection of work is to be performed under the Act, a person must not perform work, or cause or permit work to be performed, that is likely to obstruct the inspection or make such an inspection more difficult.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues; or
- (b) a body corporate, a fine not exceeding 150 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues.

20. Inspection directions

- (1) A direction under section 150, 176 or 200 of the Act is to –
 - (a) be in an approved form; and
 - (b) contain the specified information; and
 - (c) be given to the responsible person for the work.
- (2) A responsible person who is given a direction under section 150, 176 or 200 of the Act must comply with the direction within the period specified in the direction.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues; or
- (b) a body corporate, a fine not exceeding 150 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues.

21. Notifications of defective work

A person who is notifying a building surveyor or permit authority of defective work in accordance with Part 15 of the Act is to include the following information in the notification:

- (a) the address of the premises where the defective work is located;
- (b) the name and contact details of the owner, or occupier, of the premises, if known;
- (c) the name, licence number and contact details of the licensed builder or licensed plumber who is making the notification;
- (d) a detailed description of the defective work including its location on the premises and why the person considers it defective;
- (e) a description of any action taken, or emergency work performed, by the person making the notification to ensure the defective work is safe and operable.

22. Record requirements for permit work

- (1) If a permit authority issues a permit, the permit authority is to –
 - (a) retain a copy of each document that was submitted in respect of the application for the permit; and

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- (b) endorse a copy of each document retained under paragraph (a) and return the endorsed copy to the applicant.
- (2) An endorsement under subregulation (1) is to state that a permit has been issued and is to be in an approved form.
- (3) A person performing work under the authority of a permit must ensure that, while the work is being performed, a copy of each document endorsed under subregulation (1) is on the premises where the work is being performed.

Penalty: Fine not exceeding 25 penalty units.

23. Record requirements for notifiable work

A person performing notifiable work must ensure that, while the work is being performed, a copy of each document, submitted in respect of the certificate of likely compliance issued in respect of the work, is on the premises where the work is being performed.

Penalty: Fine not exceeding 25 penalty units.

PART 4 – WORK

Division 1 – Building work

24. Building work

- (1) For the purposes of the definition of *building work* in section 4(1) of the Act, the following work is prescribed as building work:
- (a) work consisting of, or relating to, the erection, re-erection, alteration or removal of an unregistrable relocatable building or a shipping container;
 - (b) the installation, or alteration, of a fire safety system or any part of a fire safety system;
 - (c) the installation of a ducted heating, cooling, ventilation or airconditioning system other than in –
 - (i) a Class 1 building; or
 - (ii) sole occupancy units within a Class 2 building or a Class 4 building;
 - (d) the installation of a lift that is primarily a passenger lift and not for goods;
 - (e) work consisting of, or relating to, the erection, re-erection, construction, alteration or removal of a bridge or viaduct, unless –

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- (i) the bridge or viaduct is on public land; or
 - (ii) the work is being performed by a public authority;
- (f) work consisting of, or relating to, the erection, re-erection, construction, alteration or removal of a pedestrian overpass or underpass, or a passenger boarding bridge, unless –
 - (i) the overpass, underpass or bridge is on public land; or
 - (ii) the work is being performed by a public authority.
- (2) For the avoidance of doubt, building work on premises that are situated on a wharf, jetty, marina or pontoon permanently fixed to land is building work for the purposes of the Act.
- (3) For the purposes of calculating the building administration fee for building work or demolition work, building work includes any plumbing work performed as part of that building work or demolition work.
- (4) For the purposes of Part 18 of the Act, the installation of a heating appliance is prescribed as building work.

25. Certificates of likely compliance (notifiable building work)

For the purposes of section 98(1)(g) of the Act, the following matters are prescribed matters in relation to a certificate of likely compliance (notifiable building work):

- (a) if relevant, a hazard determination made under Part 5;
- (b) if, as a result of the proposed notifiable building work, it is anticipated that there is to be a change in the use, or occupancy, of the premises where the work is performed, whether that change requires –
 - (i) the hydraulic loading on an existing on-site wastewater management system to be increased; or
 - (ii) an existing on-site wastewater management system to be replaced, relocated or upgraded;
- (c) whether, as a result of the proposed notifiable building work, there will be an adverse effect on the operation of any on-site wastewater management system within 2 metres of the work.

26. Notices of work for notifiable building work

For the purposes of section 97(2)(b) of the Act, the following information is prescribed in respect of a notice of work for proposed notifiable building work:

- (a) the address of the premises where the notifiable building work is proposed to be performed;
- (b) the name, licence number and contact details of each person to be performing the notifiable building work;
- (c) if the performance of the proposed notifiable building work is the subject of a contract, the contract price of the work;
- (d) information on any notification given under Part 15 of the Act in respect of defective work discovered as part of the preparation for the proposed notifiable building work;
- (e) details of the design of the proposed notifiable building work and associated plans;
- (f) all relevant documents relied upon by the designer of the work;
- (g) any certificates issued under the Act in respect of the proposed notifiable building work or in respect of an item or system to be used in the proposed notifiable building work;

- (h) the proposed date on which the proposed notifiable building work is to be commenced;
- (i) the protection work performed, or to be performed, in respect of the proposed notifiable building work;
- (j) details of any payment made, or to be made, in respect of the proposed notifiable building work under the *Building and Construction Industry Training Fund Act 1990*;
- (k) if applicable, evidence that the requirements of other relevant Acts have been complied with in respect of the work.

27. Required report from Chief Officer for certificates of likely compliance (permit building work)

- (1) For the purposes of section 131 of the Act, a report is required from the Chief Officer in relation to a certificate of likely compliance (permit building work) if the permit building work proposed to be performed under that certificate –
 - (a) requires, under the deemed-to-satisfy provisions of the National Construction Code, any fire safety requirements; or
 - (b) is to include any fire safety requirements.

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- (2) Despite subregulation (1), a report of the Chief Officer is not required in relation to a certificate of likely compliance (permit building work) if the only fire safety requirements required, or included, as part of the proposed permit building work are one or more of the following:
- (a) the relocation of hose reels to within 4 metres of an existing exit;
 - (b) the relocation of existing, or the addition of further, sprinkler heads to suit minor changes in partition or wall layout;
 - (c) any of the following aspects of a fire detection and alarm system:
 - (i) the relocation, or replacement, of a fire indicator panel to within a foyer or main entrance to a building;
 - (ii) the relocation, or replacement, of a warning device to suit minor changes in partition or wall layout;
 - (iii) the relocation of existing, or the addition of further, heat or smoke detectors to suit minor changes in partition or wall layout;
 - (d) the relocation of operational controls and indicators for a smoke-control air-handling system to within a foyer or main entrance to a building;

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- (e) the relocation of the fireman’s lift controls to within the lift or lift lobby of a building;
 - (f) any of the following aspects of an emergency warning and intercommunication system:
 - (i) the relocation of existing, or the addition of further, warden intercommunication points to suit minor changes to partition or wall layout;
 - (ii) the relocation, or replacement, of a master emergency control panel to within a foyer or main entrance to a building;
 - (iii) the relocation of existing, or the addition of further, sounders to suit minor changes to partition or wall layout.
- (3) A building surveyor who receives an application for a certificate of likely compliance (permit building work) in respect of which a report is required under subregulation (1) is to submit to the Chief Officer within the specified period –
- (a) a written request, in an approved form, for the report; and
 - (b) any relevant drawings, specifications or other documents that relate to the relevant work.

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- (4) On receipt of a written request under subregulation (3) in respect of proposed permit building work, the Chief Officer is to prepare a report, in an approved form, that –
- (a) states, in relation to the provision or non-provision of fire safety requirements, whether or not the building solutions are satisfactory, in the opinion of the Chief Officer, in relation to –
 - (i) the relevant performance requirements of the National Construction Code; and
 - (ii) the relevant deemed-to-satisfy provisions of the National Construction Code; and
 - (b) states whether an evacuation plan is required under the *General Fire Regulations 2010* in respect of the proposed permit building work or the premises where the work is to be performed; and
 - (c) specifies all additional documents or information sought by the Chief Officer, as part of preparing the report, from the relevant building surveyor or responsible person; and
 - (d) includes copies of all additional documents or information obtained by the Chief Officer, as part of preparing the report, from the relevant building surveyor or responsible person.

- (5) For the purposes of this regulation, a variation of application for a certificate of likely compliance (permit building work) to which subregulation (1) applies is an application to which this regulation applies, including a variation as a result of a report provided by the Chief Officer under this regulation.

28. Required report from environmental health officer for certificates of likely compliance (permit building work)

- (1) For the purposes of section 131 of the Act, a report is required from an environmental health officer in relation to a certificate of likely compliance (permit building work) if the permit building work proposed to be performed under that certificate relates to food premises.
- (2) A building surveyor who receives an application for a certificate of likely compliance (permit building work) in respect of which a report is required under subregulation (1) is to submit to the environmental health officer within the specified period –
- (a) a written request, in an approved form, for the report; and
 - (b) details of the nature of the foods intended to be prepared, and the types of manufacturing processes intended to be undertaken, on the premises; and
 - (c) if the application for a certificate of likely compliance (permit building work)

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- included a copy of a Food Premises Verification Analysis, 3 copies of the Analysis; and
- (d) any relevant drawings, specifications or other documents that relate to the relevant work.
- (3) On receipt of a written request under subregulation (2) in respect of proposed permit building work, the environmental health officer is to prepare a report, in an approved form, that –
- (a) states whether or not, in the opinion of the environmental health officer, the proposed permit building work is satisfactory in relation to –
- (i) the relevant food premises performance requirements of the National Construction Code; and
- (ii) the relevant food premises deemed-to-satisfy provisions of the National Construction Code; and
- (b) specifies all additional documents or information sought by the environmental health officer, as part of preparing the report, from the relevant building surveyor or responsible person; and
- (c) includes copies of all additional documents or information obtained by the environmental health officer, as part

of preparing the report, from the relevant building surveyor or responsible person.

- (4) If an environmental health officer intends to recommend in a report under this regulation, in respect of a certificate of likely compliance (permit building work) that a food premises deemed-to-satisfy provision of the National Construction Code be altered in respect of the proposed building work, the environmental health officer –
 - (a) if a Food Premises Verification Analysis has not been submitted as part of the application, must undertake a Food Premises Verification Analysis; and
 - (b) is to attach 2 copies of the Analysis to the report.
- (5) For the purposes of section 133(1) of the Act, permit building work that requires a report of an environmental health officer by virtue of this regulation does not comply with the Act if the relevant environmental health officer has stated in the report that the proposed permit building work may result in a food safety risk of public significance.

29. Start-work notifications for permit building work

- (1) The responsible person for permit building work must notify the relevant building surveyor, in an approved form and no later than the specified period before the work commences, that the work is to commence.

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Penalty: Fine not exceeding 20 penalty units.

- (2) A building surveyor who receives a notification under subregulation (1) may notify the responsible person for the permit building work in writing that the permit work is not to commence because the building surveyor is not satisfied that all the necessary requirements of the Act have been met in respect of the permit building work.
- (3) A notification under subregulation (2) –
 - (a) may only be made within the specified period before the work commences referred to in subregulation (1); and
 - (b) is to be in an approved form; and
 - (c) is to specify the steps that need to be taken before the notification is to be withdrawn and the permit building work may commence.
- (4) A person must not perform permit building work that is the subject of a notification under subregulation (2) until the notification has been withdrawn in respect of the work.

Penalty: Fine not exceeding 20 penalty units.

- (5) The relevant building surveyor may withdraw a notification under subregulation (2) if satisfied that all the necessary requirements of the Act have been met in respect of the permit building work.

- (6) A building surveyor who receives a notification under subregulation (1) must forward to the relevant permit authority, within the specified period after receiving the notification –
- (a) a copy of the notification; and
 - (b) if, in respect of the notification under subregulation (1), the building surveyor notifies a person under subregulation (2) –
 - (i) details of the notification under subregulation (2); and
 - (ii) details of the withdrawal of that notification under subregulation (5) if so withdrawn.
- (7) For the purposes of the Act, permit building work that is the subject of a notification under subregulation (2) and is performed while the notification is in force is not performed in accordance with the Act.

30. Heating appliances

- (1) Before a person installs a heating appliance in premises, the person must notify the relevant permit authority, in an approved form at least 2 clear days before starting the installation, that he or she intends to install such a heating appliance.

Penalty: Fine not exceeding 20 penalty units.

- (2) Within the specified period after completing the installation of a heating appliance in premises,

the person who installed the heating appliance must notify the relevant permit authority, in an approved form, that he or she has completed the installation.

Penalty: Fine not exceeding 20 penalty units.

Division 2 – Plumbing work

31. Plumbing work and plumbing installations

- (1) For the purposes of the definition of *plumbing work* in section 4(1) of the Act, work involving plumbing in an unregistrable relocatable building is prescribed as plumbing work.
- (2) For the purposes of the definition of *plumbing installation* in section 4(1) of the Act, a hydronic heating system is prescribed as a plumbing installation.

32. Completion of certain low-risk plumbing work

- (1) This regulation applies to low-risk plumbing work that is determined by the Director of Building Control to require notification on completion.
- (2) Within a specified period after completing low-risk plumbing work to which this regulation applies, the responsible person for the low-risk plumbing work must notify the relevant permit authority of the following information:

- (a) the name of the owner of the premises, and the address of the premises, where the work was performed;
- (b) the licensed plumber who performed the work;
- (c) information on any notification given under Part 15 of the Act in respect of defective work discovered as part of the preparation, or performance, of the low-risk plumbing work;
- (d) evidence that the licensed plumber who performed the work has certified that it complies with all relevant Acts, the National Construction Code and other relevant codes and standards;
- (e) as-constructed plans of the work if specified as being necessary in the circumstances.

Penalty: Fine not exceeding 20 penalty units.

33. Certificates of likely compliance (notifiable plumbing work)

For the purposes of section 109(1)(g) of the Act, the following matters are prescribed matters in relation to a certificate of likely compliance (notifiable plumbing work):

- (a) if relevant, a hazard determination made under Part 5;

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- (b) if, as a result of the proposed notifiable plumbing work, it is anticipated that there is to be a change in the use, or occupancy, of the premises where the work is performed, whether that change requires –
 - (i) the hydraulic loading on an existing on-site wastewater management system to be increased; or
 - (ii) an existing on-site wastewater management system to be replaced, relocated or upgraded;
- (c) whether, as a result of the proposed notifiable plumbing work, there will be an adverse effect on the operation of any on-site wastewater management system within 2 metres of the work.

34. Notices of work for notifiable plumbing work

For the purposes of section 108(2)(b) of the Act, the following information is prescribed in respect of a notice of work for proposed notifiable plumbing work:

- (a) the address of the premises where the notifiable plumbing work is proposed to be performed;
- (b) the name, licence number and contact details of each person to be performing the notifiable plumbing work;

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- (c) if the performance of the proposed notifiable plumbing work is the subject of a contract, the contract price of the work;
- (d) information on any notification given under Part 15 of the Act in respect of defective work discovered as part of the preparation for the proposed notifiable plumbing work;
- (e) details of the design of the proposed notifiable plumbing work and associated plans;
- (f) all relevant documents relied upon by the designer of the work;
- (g) any certificates issued under the Act in respect of the proposed notifiable plumbing work or in respect of an item or system to be used in the proposed notifiable plumbing work;
- (h) the proposed date on which the proposed notifiable plumbing work is to be commenced;
- (i) the protection work performed, or to be performed, in respect of the proposed notifiable plumbing work;
- (j) details of any payment made, or to be made, under the *Building and Construction Industry Training Fund Act 1990* in respect of the proposed notifiable plumbing work;

- (k) details of any certificate issued in respect of the proposed notifiable plumbing work under section 56TC of the *Water and Sewerage Industry Act 2008*;
- (l) if applicable, evidence that the requirements of other relevant Acts have been complied with in respect of the work.

35. Start-work notifications for permit plumbing work

- (1) The responsible person for permit plumbing work must notify the relevant permit authority, in an approved form and no later than the specified period before the work commences, that the work is to commence.

Penalty: Fine not exceeding 20 penalty units.

- (2) A permit authority who receives a notification under subregulation (1) may notify the responsible person for the permit plumbing work in writing that the permit work is not to commence because the permit authority is not satisfied that all the necessary requirements of the Act have been met in respect of the permit plumbing work.
- (3) A notification under subregulation (2) –
 - (a) may only be made within the specified period before the work commences referred to in subregulation (1); and
 - (b) is to be in an approved form; and

- (c) is to specify the steps that need to be taken before the notification is to be withdrawn and the permit plumbing work may commence.
- (4) A person must not perform permit plumbing work that is the subject of a notification under subregulation (2) until the notification has been withdrawn in respect of the work.

Penalty: Fine not exceeding 20 penalty units.
- (5) The relevant permit authority may withdraw a notification under subregulation (2) if satisfied that all the necessary requirements of the Act have been met in respect of the permit plumbing work.
- (6) For the purposes of the Act, permit plumbing work that is the subject of a notification under subregulation (2) and is performed while the notification is in force is not performed in accordance with the Act.

36. Non-compliant materials and products

- (1) For the purposes of the Act, a permit authority may authorise materials or products that do not comply with the National Construction Code to be used as part of plumbing work if –
 - (a) the plumbing work involves the connection of a water supply system, sewerage system or a network utility operator’s stormwater drainage system; and

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- (b) the material or product –
 - (i) is an existing part of the system being connected; or
 - (ii) is –
 - (A) fit for the purpose for which it is intended to be used; and
 - (B) unlikely to affect the health or safety of the occupants or users of the building as a result of the non-compliance; and
 - (C) to be installed, or used, in the same manner and style as materials or products previously used, or installed, in the building.
- (2) For the purposes of subregulation (1)(b)(ii)(A), a material or product is fit for the purposes for which it is intended to be used if it is certified for that use as part of the WaterMark Certification Scheme, as administered by the Australian Building Codes Board.
- (3) If the plumbing work referred to in subregulation (1) relates to an installation owned or operated by a regulated entity, the permit authority is to consult with the regulated entity before authorising a material or product under that subregulation.

37. Installation of on-site wastewater management systems

- (1) A person must not install an on-site wastewater management system unless –
- (a) the system is accredited by the Director of Building Control or in accordance with the Act; or
 - (b) the system is exempt under the National Construction Code from the requirement to be accredited; or
 - (c) the relevant permit authority has authorised, in accordance with the Act, the installation of the system as a unique plumbing installation.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (2) A person must not install an on-site wastewater management system unless he or she has, before performing the installation –
- (a) ensured that the conditions of the soil and premises where the work is to be performed are consistent with the permit issued in respect of the work; and
 - (b) if the conditions are not consistent with the permit so issued, notified the

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designer of the work and the relevant permit authority within the specified period after discovering the inconsistency.

Penalty: Fine not exceeding 50 penalty units.

- (3) A person who is required to notify a permit authority under subregulation (2)(b) in respect of an installation must not perform the work until –
- (a) the designer has reassessed the relevant premises and has –
 - (i) submitted modified plans for the work to the permit authority; or
 - (ii) notified the permit authority in writing that no modification of the work is required; and
 - (b) the permit authority has authorised the work to proceed.

Penalty: Fine not exceeding 50 penalty units.

- (4) A person must not install, or alter, an on-site wastewater management system that treats trade waste so that the waste, or end-product of the system, is removed from the system by means of carrying or pumping through a habitable room, unless that removal is authorised under a certificate of likely compliance issued in respect of the installation or alteration.

Penalty: Fine not exceeding 50 penalty units.

- (5) For the purposes of section 168(2) of the Act, permit plumbing work that involves the installation of an on-site wastewater management system does not comply with the Act if the relevant environmental health officer for the system has not consented in writing to the installation of the system.

38. Operation of on-site wastewater management systems

- (1) A person must not install, use, operate or maintain, otherwise than in accordance with the Act, an on-site wastewater management system to treat wastewater.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues.

- (2) A person must not dilute wastewater to achieve compliance with any of the requirements of the Act in respect of the use of an on-site wastewater management system.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues.

39. Operation of plumbing installations

Each of the following persons must ensure that a plumbing installation is operated and maintained in accordance with the Act and the National Construction Code:

- (a) a person who –
 - (i) occupies the premises where the plumbing installation is installed; and
 - (ii) has a contractual obligation to operate or maintain all, or part, of the plumbing installation;
- (b) the owner of the premises where the plumbing installation is installed.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues.

40. Defined levels in flood hazardous areas

- (1) In this regulation –

sewerage installation means a plumbing installation consisting of discharge pipes, drains, fixtures, appliances and associated components used to convey sewage from a property to a sewerage system or other approved disposal system.

- (2) For the purposes of the Act and the National Construction Code, a permit authority may declare a defined flood level in respect of a plumbing installation being installed on land in the municipal area for which the permit authority has been appointed.
- (3) A person must not install a sewerage installation, or an inlet to a sewerage installation, unless each inlet to the sewerage installation is positioned –
- (a) at least 150 millimetres above the declared flood level for that land; or
 - (b) in accordance with the specific level specified in a plumbing permit for the installation.

Penalty: Fine not exceeding 50 penalty units.

- (4) In addition to any penalty imposed under subregulation (3), if a person fails to comply with that subregulation, the relevant permit authority may serve a plumbing order in respect of the inlet, or related fittings or fixtures, that has been installed in contravention of that subregulation.

41. Backflow prevention devices

A permit authority is to keep a register, in respect of the relevant municipal area, of all –

- (a) on-site backflow prevention devices authorised to be installed under a plumbing permit; and

- (b) on-site testable backflow prevention devices authorised under a plumbing permit to be installed.

42. Plumbing work involving, or in the proximity of, service easements

A person must not perform plumbing work over or within a service easement unless the person has obtained the written consent to do so from the person on whose behalf the service easement was created.

Penalty: Fine not exceeding 50 penalty units.

43. Plumbing work involving network utility operator's stormwater drainage systems

- (1) A person must not perform plumbing work that results in –
 - (a) a plumbing installation being connected to a network utility operator's stormwater drainage system; or
 - (b) an alteration of an existing plumbing installation that is connected to a network utility operator's stormwater drainage system, if the alteration may affect the stormwater drainage system or the connection point to the stormwater drainage system –

unless the person has obtained the written consent to do so from the relevant network utility operator for the stormwater drainage

system at least 48 hours before commencing the work.

Penalty: Fine not exceeding 50 penalty units.

- (2) A person must not disconnect a plumbing installation from a network utility operator's stormwater drainage system unless the system is then sealed, in accordance with the Act and any additional requirements of the relevant network utility operator, within the specified period.

Penalty: Fine not exceeding 50 penalty units.

- (3) If the relevant network utility operator is not satisfied that a stormwater drainage system is sealed in accordance with the Act, the network utility operator may enter premises and perform any work necessary to correctly seal the connection from the stormwater drainage system.
- (4) The owner of premises where the network utility operator has performed work under subregulation (3) is liable for any reasonable costs associated with the work performed on the premises under that subregulation.
- (5) The costs specified in subregulation (4) –
- (a) if the relevant network utility operator is the council, may be recovered by the council as a charge under the *Local Government Act 1993*; or
 - (b) in any other case, may be recovered as a debt due and owing.

44. Plumbing work in unregistrable relocatable buildings

A person who installs plumbing work in an unregistrable relocatable building must affix to the chassis of that unregistrable relocatable building a clearly visible metal compliance plate that –

- (a) is in an approved form; and
- (b) states the licence number of each person who performed the work; and
- (c) certifies that the plumbing work complies with the Act.

Penalty: Fine not exceeding 25 penalty units.

Division 3 – Demolition work

45. Certificates of likely compliance (notifiable demolition work)

For the purposes of section 121(1)(g) of the Act, a hazard determination made under Part 5 is a prescribed matter in relation to a certificate of likely compliance (notifiable demolition work).

46. Notices of work for notifiable demolition work

For the purposes of section 120(2)(b) of the Act, the following information is prescribed in respect of a notice of work for proposed notifiable demolition work:

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- (a) the address of the premises where the notifiable demolition work is proposed to be performed;
- (b) the name and contact details of each person to be performing the notifiable demolition work;
- (c) if the performance of the proposed notifiable demolition work is the subject of a contract, the contract price of the work;
- (d) information on any notification given under Part 15 of the Act in respect of defective work discovered as part of the preparation for the proposed notifiable demolition work;
- (e) details of the design of the proposed notifiable demolition work and associated plans, if any;
- (f) all relevant documents relied upon by the designer of the work;
- (g) any certificates issued under the Act in respect of the proposed notifiable demolition work;
- (h) the proposed date on which the proposed notifiable demolition work is to be commenced;
- (i) the protection work performed, or to be performed, in respect of the proposed notifiable demolition work;

- (j) if applicable, evidence that the requirements of other relevant Acts have been complied with in respect of the work.

47. Start-work notifications for permit demolition work

- (1) The responsible person for permit demolition work must notify the relevant building surveyor, in an approved form and no later than the specified period before the work commences, that the work is to commence.

Penalty: Fine not exceeding 20 penalty units.

- (2) A building surveyor who receives a notification under subregulation (1) may notify the responsible person for the permit demolition work in writing that the permit work is not to commence because the building surveyor is not satisfied that all the necessary requirements of the Act have been met in respect of the permit demolition work.
- (3) A notification under subregulation (2) –
 - (a) may only be made within the specified period before the work commences referred to in subregulation (1); and
 - (b) is to be in an approved form; and
 - (c) is to specify the steps that need to be taken before the notification is to be withdrawn and the permit demolition work may commence.

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- (4) A person must not perform permit demolition work that is the subject of a notification under subregulation (2) until the notification has been withdrawn in respect of the work.

Penalty: Fine not exceeding 20 penalty units.

- (5) The relevant building surveyor may withdraw a notification under subregulation (2) if satisfied that all the necessary requirements of the Act have been met in respect of the permit demolition work.

- (6) A building surveyor who receives a notification under subregulation (1) must forward to the relevant permit authority, within the specified period after receiving the notification –

(a) a copy of the notification; and

(b) if, in respect of the notification under subregulation (1), the building surveyor notifies a person under subregulation (2) –

(i) details of the notification under subregulation (2); and

(ii) details of the withdrawal of that notification under subregulation (5) if so withdrawn.

- (7) For the purposes of the Act, permit demolition work that is the subject of a notification under subregulation (2) and is performed while the notification is in force is not performed in accordance with the Act.

PART 5 – WORK IN HAZARDOUS AREAS

Division 1 – Interpretation

48. Interpretation of Part

(1) In this Part –

acceptable risk means land that has been –

- (a) assessed under a determination for a relevant hazard area; and
- (b) classified as not being within a hazard band of the relevant hazard area;

bushfire determination means a determination made in respect of a bushfire-prone area;

bushfire-prone area – see regulation 62(1);

bushfire-prone vegetation – see regulation 62(2);

coastal erosion determination means a determination made in respect of a coastal erosion hazard area;

coastal erosion hazard area – see regulation 57;

coastal inundation determination means a determination made in respect of a coastal inundation hazard area;

coastal inundation hazard area – see regulation 55;

determination means a determination referred to in regulation 51;

gross floor area, in relation to a building, means the total floor area of all covered areas of a building, whether those covered areas are enclosed or unenclosed;

hazard band, of a relevant hazard area, means land within the relevant hazard area that has been classified, and identified, on a planning scheme overlay map as being a sub-category of the relevant hazard area other than an investigation area;

investigation area, in relation to a relevant hazard area that includes hazard bands, means land within the relevant hazard area that has not been identified, or classified, into a hazard band for that hazard area;

landslip determination means a determination made in respect of a landslip hazard area;

landslip hazard area – see regulation 59;

land that is subject to riverine inundation – see regulation 53;

planning scheme overlay map means a map or overlay included as part of a planning

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Part 5 – Work in Hazardous Areas

scheme within the meaning of the *Land Use Planning and Approvals Act 1993*;

relevant hazard area includes –

- (a) an area of land that is subject to riverine inundation; and
- (b) a coastal inundation hazard area; and
- (c) a coastal erosion hazard area; and
- (d) a landslip hazard area; and
- (e) a bushfire-prone area;

riverine inundation determination means a determination made in respect of land that is subject to riverine inundation.

- (2) In this Part, a reference to a relevant hazard area includes a reference to each hazard band of the relevant hazard area.

49. Work not to cause or aggravate relevant hazard areas

A person must not perform work, or intend to perform work, in a relevant hazard area if the person knows, or reasonably ought to know, that the work may result in damage, other than damage performed as part of the work, to –

- (a) the premises where the work is performed; or

- (b) infrastructure on the premises where the work is performed; or
- (c) other premises or infrastructure.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues; or
- (b) a body corporate, a fine not exceeding 150 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues.

50. Work performed in relevant hazard areas

- (1) For the purposes of this Part other than regulation 49, a person is not taken to perform work on land within a relevant hazard area if the work solely involves –
 - (a) an addition or alteration to a building, if the addition or alteration –
 - (i) does not increase the gross floor area of the building by more than the area specified in a

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- determination for the relevant hazard area; and
- (ii) complies with each additional requirement, that is relevant for the addition or alteration, specified in a determination for the relevant hazard area; or
- (b) an internal alteration to an existing building if the alteration does not affect –
 - (i) the structural adequacy of the building; or
 - (ii) a structural member or a structural system of the building; or
 - (c) a repair to, or maintenance of, an existing building that involves similar materials, equipment and components to those being repaired or maintained; or
 - (d) low-risk work, unless the low-risk work is specified in this Part, or in a determination for a relevant hazard area, as low-risk work to which this Part applies; or
 - (e) notifiable work, unless the notifiable work is specified in this Part, or in a determination for a relevant hazard area, as notifiable work to which this Part applies; or

- (f) in relation to bushfire-prone areas, work performed on land that is the subject of a specified certificate; or
 - (g) work specified in a determination for a relevant hazard area as work to which this Part does not apply.
- (2) Despite subregulation (1), work referred to in that subregulation does not include significant work, within the meaning of regulation 61 or 63, which is always work performed in a hazard area.
- (3) Despite subregulation (1), work referred to in that subregulation is work performed in a hazardous area for the purposes of the Act.

51. Hazard determinations

- (1) For the purposes of section 20 of the Act, the Director of Building Control may make a determination in respect of a relevant hazard area.
- (2) Without limiting subregulation (1), a determination may contain the following matters:
- (a) the procedures to be used to classify land that is within a relevant hazard area into any relevant hazard band;
 - (b) work that is not to be performed within a relevant hazard area;

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- (c) low-risk work, or notifiable work, to which this Part applies;
- (d) low-risk work, or notifiable work, which is exempt from this Part;
- (e) additional requirements for work performed, or proposed to be performed, within a relevant hazard area;
- (f) additional reports, evaluations or assessments that may be required for work performed, or proposed to be performed, within a relevant hazard area including, but not limited to, the content and form of a hazard report to be prepared in respect of such work;
- (g) additional requirements in respect of adjacent properties, or infrastructure or other matters, that may be affected by work performed, or proposed to be performed, within a relevant hazard area;
- (h) additional qualification requirements for one or more of the following persons:
 - (i) a designer of work to be performed within a relevant hazard area;
 - (ii) a person classifying land that is within a relevant hazard area;
 - (iii) a person reporting, evaluating or assessing land that is within a relevant hazard area;

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- (iv) a person reporting, evaluating or assessing work performed, or proposed to be performed, within a relevant hazard area;
- (v) any other person involved in work performed within a relevant hazard area;
- (i) additional obligations on one or more of the following persons:
 - (i) a designer of work to be performed within a relevant hazard area;
 - (ii) a person classifying land that is within a relevant hazard area;
 - (iii) a person reporting, evaluating or assessing land that is within a relevant hazard area;
 - (iv) a person reporting, evaluating or assessing work performed, or proposed to be performed, within a relevant hazard area;
 - (v) a permit authority or building surveyor involved in work performed within a relevant hazard area;
 - (vi) any other person involved in work performed within a relevant hazard area;

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- (j) the tolerable risk in relation to work performed on premises within a relevant hazard area;
- (k) any applicable standard, or code, that must be complied with when performing work within a relevant hazard area;
- (l) if relevant, the defined flood level for land that is in a relevant hazard area, or land that is in a relevant hazard area generally;
- (m) any other levels or measurement required to be determined by an appropriate authority under the provisions of the National Construction Code applicable to land that is in a relevant hazard area;
- (n) any other matter the Director of Building Control considers relevant to an area of land that is within a relevant hazard area, or a relevant hazard area generally.

52. Interpretation of National Construction Code

Unless otherwise specified in the Act or any other Act, the Director of Building Control is the appropriate authority for the purposes of the National Construction Code in relation to the provisions of the National Construction Code applicable to hazardous areas.

Division 2 – Riverine inundation

53. Riverine inundation

For the purposes of the Act, land that has previously been flooded, or land that has been assessed by the council of the relevant municipal area as having a reasonable probability of flooding, is land that is –

- (a) subject to riverine inundation; and
- (b) a hazardous area for the purposes of the definition of *hazardous area* in section 4(1) of the Act.

54. Works on land subject to riverine inundation

- (1) A person must not perform work on land that is subject to riverine inundation unless he or she is authorised to do so under the Act.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (2) A person must not perform building work on a building on land that is subject to riverine inundation unless the floor level of each habitable room of the building being erected, re-erected or added as part of the work, is at least

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300 millimetres above the defined flood level for the land.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (3) A responsible person for work being performed on land that is subject to riverine inundation must ensure that the work is being performed in accordance with the Act and the riverine inundation determination.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (4) A person performing work on land that is subject to riverine inundation must ensure that the work complies with the Act and the riverine inundation determination.

Division 3 – Coastal inundation

55. Coastal inundation hazard areas

- (1) For the purposes of the Act, land is a coastal inundation hazard area if –

- (a) the land is shown on a planning scheme overlay map as being land that is within a coastal inundation hazard area; and
 - (b) the land –
 - (i) is classified as land within a hazard band of a coastal inundation hazard area; or
 - (ii) is shown on a planning scheme overlay map as being land in an investigation area for a coastal inundation hazard area and the land has not been subsequently classified as being an acceptable risk.
- (2) For the purposes of the definition of *hazardous area* in section 4(1) of the Act –
- (a) classification under a coastal inundation determination as being land that is within a hazard band of a coastal inundation hazard area is a prescribed attribute; and
 - (b) a coastal inundation hazard area is a hazardous area.

56. Works in coastal inundation hazard areas

- (1) A person must not perform work in a coastal inundation hazard area unless he or she is authorised to do so under the Act.

Penalty: In the case of –

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- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (2) If a person intends to perform work in an investigation area of a coastal inundation hazard area, the person must, before performing the work, ensure the land is classified, in accordance with the coastal inundation determination –
- (a) as being an acceptable risk; or
 - (b) into a hazard band for the coastal inundation hazard area.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (3) A person must not perform work on a building on land in a coastal inundation hazard area unless the floor level of each habitable room of the building, being erected, re-erected or added as part of the work, is at least 300 millimetres above the defined flood level for the land.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or

- (b) a body corporate, a fine not exceeding 150 penalty units.
- (4) A responsible person for work being performed in a coastal inundation hazard area must ensure that the work is being performed in accordance with the Act and the coastal inundation determination.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
- (b) a body corporate, a fine not exceeding 150 penalty units.
- (5) A person performing work in a coastal inundation hazard area must ensure that the work complies with the Act and the coastal inundation determination.

Division 4 – Coastal erosion

57. Coastal erosion hazard areas

- (1) For the purposes of the Act, land is a coastal erosion hazard area if –
 - (a) the land is shown on a planning scheme overlay map as being land that is within a coastal erosion hazard area; and
 - (b) the land –

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- (i) is classified as land within a hazard band of a coastal erosion hazard area; or
 - (ii) is shown on a planning scheme overlay map as being land in an investigation area for a coastal erosion hazard area and the land has not been subsequently classified as being an acceptable risk.
- (2) For the purposes of the definition of *hazardous area* in section 4(1) of the Act –
 - (a) classification under a coastal erosion determination as being land that is within a hazard band of a coastal erosion hazard area is a prescribed attribute; and
 - (b) a coastal erosion hazard area is a hazardous area.

58. Works in coastal erosion hazard areas

- (1) A person must not perform work in a coastal erosion hazard area unless he or she is authorised to do so under the Act.

Penalty: Fine not exceeding 50 penalty units.

- (2) If a person intends to perform work in an investigation area of a coastal erosion hazard area, the person must, before performing the work, ensure that the land is classified in

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accordance with the coastal erosion determination –

- (a) as being an acceptable risk; or
- (b) into a hazard band for the coastal erosion hazard area.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (3) A responsible person for work being performed in a coastal erosion hazard area must ensure that the work is being performed in accordance with the Act and the coastal erosion determination.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (4) A person performing work in a coastal erosion hazard area must ensure that the work complies with the Act and the coastal erosion determination.

Division 5 – Landslip

59. Landslip hazard areas

- (1) For the purposes of the Act, land is a landslip hazard area if –
 - (a) the land is shown on a planning scheme overlay map as being land that is within a landslip hazard area; and
 - (b) the land is classified as land within a hazard band of a landslip hazard area.
- (2) For the purposes of the definition of *hazardous area* in section 4(1) of the Act –
 - (a) classification under a landslip determination as being land that is within a hazard band of a landslip hazard area is a prescribed attribute; and
 - (b) a landslip hazard area is a hazardous area.

60. Works in landslip hazard areas

- (1) A person must not perform work in a landslip hazard area unless he or she is authorised to do so under the Act.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or

- (b) a body corporate, a fine not exceeding 150 penalty units.
- (2) A responsible person for work being performed in a landslip hazard area must ensure that the work is being performed in accordance with the Act and the landslip determination.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
- (b) a body corporate, a fine not exceeding 150 penalty units.
- (3) A person performing work in a landslip hazard area must ensure that the work complies with the Act and the landslip determination.

61. Significant works in landslip areas

- (1) In this regulation –

significant work includes the following work:

- (a) excavation equal to or greater than one metre in depth, including temporary excavations for the installation or maintenance of services and pipes;
- (b) excavation or depositing of material greater than 100 cubic metres, whether or not the

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material is sourced on the site or imported;

- (c) felling, or removal, of vegetation, over a contiguous area greater than 1 000 square metres;
 - (d) the collection, pooling or storage of water in a dam, pond, tank or swimming pool with a volume greater than 45 000 litres;
 - (e) removal, redirection or introduction of drainage for surface water or subsoil water;
 - (f) discharge of stormwater, sewage, water storage overflow or other wastewater.
- (2) A person must not perform significant work as part of permit work, or notifiable plumbing work, in a landslip hazard area unless the relevant permit authority has authorised the significant work in writing.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (3) A person must not perform significant work as part of notifiable building work or notifiable demolition work, in a landslip hazard area unless

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the relevant building surveyor for the notifiable work has authorised the significant work in writing.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (4) A person must not perform significant work not covered by subregulation (2) or (3) in a landslip hazard area unless –
- (a) the person has written authorisation under subregulation (2) or (3) to perform the work; or
 - (b) the relevant general manager has given written authorisation for the work.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (5) For the avoidance of doubt, a written authorisation by a permit authority, or building surveyor, under this regulation may form part of a document issued or given under the Act by the permit authority, or building surveyor, in respect of the relevant work.

Division 6 – Bushfire-prone areas

62. Bushfire-prone areas

- (1) For the purposes of the Act, land is a bushfire-prone area if –
 - (a) the land is within the boundary of a bushfire-prone area on a planning scheme overlay map; or
 - (b) where the relevant planning scheme overlay map for the land does not show any land within the relevant municipal area as being within the boundary of a bushfire-prone area, the land is within 100 metres of an area of bushfire-prone vegetation that is equal to or greater than one hectare.
- (2) For the purposes of subregulation (1)(b), vegetation is bushfire-prone vegetation if the vegetation is contiguous vegetation that includes grasses and shrubs but does not include maintained lawns, parks or gardens, nature strips, plant nurseries, golf courses, vineyards, orchards or vegetation on land that is used for horticultural purposes.
- (3) For the purposes of the definition of *hazardous area* in section 4(1) of the Act –
 - (a) classification of land as being in a bushfire-prone area is a prescribed attribute; and

- (b) a bushfire-prone area is a hazardous area.

63. Works in bushfire-prone areas

- (1) In this regulation –

significant work includes –

- (a) work performed to provide water supply for fire-fighting purposes; and
 - (b) work performed to provide vehicular access to –
 - (i) enable evacuation of persons; or
 - (ii) provide access for fire-fighting vehicles to fight fires.
- (2) A person must not perform work, including significant work, in a bushfire-prone area except as authorised to do so under the Act.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (3) A person must not perform work, including significant work, in a bushfire-prone area if the work restricts, or is likely to restrict –

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- (a) vehicular access to a habitable building or structure; or
- (b) access to water supply used, or capable of being used, for firefighting –

that existed before the work is to be performed.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (4) A responsible person for work, or significant work, being performed in a bushfire-prone area must ensure that the work is being performed in accordance with the Act and the bushfire determination.

Penalty: In the case of –

- (a) a natural person, a fine not exceeding 75 penalty units; or
 - (b) a body corporate, a fine not exceeding 150 penalty units.
- (5) A person performing work, including significant work, in a bushfire-prone area must ensure that the work complies with the Act and the bushfire determination.

64. Bushfire-prone areas and National Construction Code

- (1) For the purposes of the National Construction Code –
 - (a) a bushfire-prone area is designated as being subject, or likely to be subject, to bushfires; and
 - (b) a bushfire-prone area is a designated bushfire-prone area.
- (2) For the purposes of the Act, a building in a bushfire-prone area is taken to comply with the performance requirements of GP5.1 or P2.3.4 of the National Construction Code if the building meets relevant performance requirements set out in the bushfire determination.
- (3) For the purposes of the Act, a building in a bushfire-prone area is taken to comply with the deemed-to-satisfy provisions for GP5.1 or P2.3.4 of the National Construction Code if the building meets the relevant deemed-to-satisfy provisions set out in the bushfire determination.
- (4) For the purposes of the Act, the performance requirements of GP5.1 of the National Construction Code apply to all classes of buildings, and work performed in a bushfire-prone area, to which this Part applies.
- (5) The following provisions of the National Construction Code do not apply to a building, or work, that meets the requirements of this regulation:

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- (a) G5.0, G5.1 and G5.2 of, and Tas Part G5 of the Tasmanian appendix to, Volume One;
- (b) Part 3.7.4 of Volume Two.

PART 6 – OCCUPANCY

Division 1 – Occupancy permits

65. Occupancy permit required

For the purpose of section 216(1)(f) of the Act, the following classes of building are prescribed for the purposes of that section:

- (a) Class 1 buildings;
- (b) Class 2 buildings;
- (c) Class 3 buildings;
- (d) Class 4 buildings;
- (e) Class 5 buildings;
- (f) Class 6 buildings;
- (g) Class 7 buildings;
- (h) Class 8 buildings;
- (i) Class 9 buildings.

66. Premises exempt from requirement for occupancy permit

For the purposes of section 216(3)(d) of the Act, the following buildings do not require an occupancy permit:

- (a) a Class 10 building;

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- (b) a temporary office, shed or sanitary facility, if used by a building services provider or owner builder in connection with work performed, or to be performed, on the land on which the office, shed or sanitary facility is, or is to be, located;
- (c) a building lawfully constructed and occupied before the commencement of these regulations, if that building –
 - (i) is not an assembly building; or
 - (ii) is an assembly building but had a certificate of occupancy or an occupancy permit issued under the *Building Act 2000* or the *Building Regulations 1994* –

unless, after the commencement of these regulations, the use of the building has altered, or building work has been performed, that would require an occupancy permit to be issued under Part 17 of the Act for the building to continue to be occupied.

67. Required report for occupancy permit

- (1) For the purposes of section 219 of the Act, a report is required from the Chief Officer as part of an application for an occupancy permit if –

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-
- (a) the application for an occupancy permit relates to work performed on the building to which the application relates; and
- (b) a report from the Chief Officer was required as part of the application process for approval under the Act to perform the work.
- (2) For the purposes of section 219 of the Act, a report is required from an environmental health officer as part of an application for an occupancy permit if –
- (a) the application for an occupancy permit relates to work performed on the building to which the application relates; and
- (b) a report from the environmental health officer was required as part of the application process for approval under the Act to perform the work.
- (3) If a required report is needed as part of an application for an occupancy permit, the applicant for the occupancy permit is to –
- (a) make a written request for the report to the relevant reporting authority; and
- (b) attach to the written request a copy of the application for the occupancy permit.
- (4) A reporting authority is to provide a report to the relevant building surveyor within the specified period after receiving a request under subregulation (3).

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- (5) A required report by the Chief Officer under this regulation is to include a statement –
- (a) whether or not the fire safety requirements installed in the building to which the report relates are sufficient for the proposed occupation of the building; and
 - (b) whether or not an evacuation plan for the building has been approved in principle under the *General Fire Regulations 2010*; and
 - (c) any other matter the Chief Officer considers relevant to the occupancy of the building or the health and safety of its occupants.
- (6) A required report by an environmental health officer under this regulation is to include a statement –
- (a) whether or not the building is suitable for occupation as food premises; and
 - (b) any other matter the environmental health officer considers relevant to the occupancy of the building or the health and safety of its occupants.
- (7) If a building surveyor grants an application for an occupancy permit in respect of which a report is required under section 219 of the Act, the building surveyor is to provide, within the specified period, a copy of the occupancy permit to each reporting authority for the application.

68. Determination of applications for occupancy permit

For the purposes of section 220(1)(e) of the Act, the following matters are to be taken into account by a building surveyor when considering an application for an occupancy permit for a building:

- (a) that any recent work performed on the building complies with the Act;
- (b) the proposed classification for the building;
- (c) the intended use of the building;
- (d) the maximum number of occupants intended for the building;
- (e) the disability access to the building;
- (f) the level of sanitation being proposed or provided in respect of the building;
- (g) the fire safety systems installed or in place, or proposed to be installed or in place, for the building;
- (h) the essential building services installed or in place, or proposed to be installed or in place, for the building;
- (i) that the plumbing installed in the building is sufficient for the maximum number of occupants intended for the building;

- (j) that any on-site wastewater management system installed in respect of the building –
 - (i) has been lawfully installed and commissioned and is fit for use; and
 - (ii) has sufficient capacity for the maximum number of occupants intended for the building;
- (k) the evacuation procedures proposed for the building in the case of an emergency.

69. Display of occupancy permit

- (1) The owner of a building in respect of which an occupancy permit has been issued must display all the pages of the occupancy permit in force in respect of the building in a prominent place near the main public entry to the building.

Penalty: Fine not exceeding 25 penalty units.

- (2) Subregulation (1) does not apply if the building is a Class 1a or 4 building.

Division 2 – Temporary occupancy permits

70. Exempt temporary structures

- (1) For the purposes of section 228(b) of the Act, the following buildings are not required to have a temporary occupancy permit:

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- (a) mobile food vans;
 - (b) mobile accommodation at a caravan park, a camping ground or similar area;
 - (c) portable toilets;
 - (d) scaffolding, cranes, hoarding, or site shed, on a construction site;
 - (e) prefabricated buildings that are –
 - (i) erected for a temporary use and are less than 50 square metres in floor space; and
 - (ii) separated from all other structures on the site so as not to increase the risk of the spread of fire between the building and other structures.
- (2) For the purposes of section 228(b) of the Act, the following tents, booths or gazebos are not required to have a temporary occupancy permit:
- (a) a tent that is erected for a temporary use at a caravan park, a camping ground or similar area;
 - (b) a tent, booth or gazebo with a floor area of less than 75 square metres if –
 - (i) the tent, booth or gazebo is the only temporary structure on the site where it is erected; and

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- (ii) the tent, booth or gazebo does not include an ignitable fuel source; and
 - (iii) there is no ignitable fuel source within 10 metres of the tent, booth or gazebo; and
 - (iv) the tent, booth or gazebo will not, at any one time, remain erected for more than 48 hours; and
 - (v) the tent, booth or gazebo does not require a plumbing permit in order for the tent, booth or gazebo to be erected; and
 - (vi) the tent, booth or gazebo does not need an off-site disposal system; and
 - (vii) the tent, booth or gazebo does not need electrical wiring; and
 - (viii) the tent, booth or gazebo is erected at least 2 metres from any other temporary structure, mobile food premises or building;
- (c) a tent, booth or gazebo with a maximum floor area of 20 square metres if –
- (i) the tent, booth or gazebo will not, at any one time, remain erected for more than 10 days; and

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- (ii) the tent, booth or gazebo is open on at least one side when occupied; and
 - (iii) the tent, booth or gazebo does not include an ignitable fuel source; and
 - (iv) there is no ignitable fuel source within 10 metres of the tent, booth or gazebo; and
 - (v) the tent, booth or gazebo is at least 2 metres away from any other temporary structure, building or mobile food premises;
- (d) a tent, booth or gazebo that –
- (i) complies with paragraph (c)(i), (ii), (iii) and (iv); and
 - (ii) form part of a group of similar temporary structures, if the group –
 - (A) has a maximum combined floor area of 80 square metres, excluding separate distances or spacing between the structures that comprise the group; and
 - (B) is at least 2 metres away from any other temporary

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structure, building or
mobile food premises;

- (e) a tent, booth or gazebo that contains an ignitable fuel source if –
 - (i) the floor area is not more than 10 square metres; and
 - (ii) at least one side of the structure is open when occupied; and
 - (iii) the tent, booth or gazebo is at least 2 metres away from any other temporary structure, building or mobile food premises.

71. Display of temporary occupancy permits

The owner of premises in respect of which a temporary occupancy permit has been issued must display, in a prominent place near the main public entry to the premises, all the pages of the temporary occupancy permit in force in respect of the premises.

Penalty: Fine not exceeding 25 penalty units.

PART 7 – MAINTENANCE

72. Essential building services

- (1) For the purposes of the definition of *essential building services* in section 4(1) of the Act, features, or measures, that relate to the following are prescribed if the features or measures are required under the Act, or the National Construction Code, to be provided in, or associated with, a Class 1b, 2, 3, 4, 5, 6, 7, 8, 9 or 10c building:
- (a) building fire integrity;
 - (b) means of egress;
 - (c) signs;
 - (d) lighting;
 - (e) fire-fighting services and equipment;
 - (f) air-handling systems;
 - (g) automatic fire detection and alarm systems;
 - (h) occupant warning systems;
 - (i) lifts;
 - (j) standby power supply systems;
 - (k) natural or mechanical ventilation;
 - (l) access for persons with a disability;

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- (m) hot water, and warm water and cooling water, systems;
- (n) energy efficiency;
- (o) water efficiency;
- (p) the safety of occupants of premises in case of bushfire, flood, landslip or coastal inundation;
- (q) building clearance and fire appliance access;
- (r) building use and application;
- (s) emergency evacuation procedures;
- (t) on-site wastewater management systems;
- (u) testable backflow prevention devices;
- (v) a thermostatic mixing valve or tempering valve installed in an early childhood centre, primary or secondary school, hospital, nursing home, educational institution or similar facility for young, elderly, sick or disabled people;
- (w) on-site liquid trade waste pre-treatment equipment;
- (x) other safety features required in a building including barriers, fencing and glazed assemblies;
- (y) a feature or measure, including a feature provided as part of an alternative solution

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specified by a building surveyor as an essential safety health feature under the Act or an essential building service or as essential for the safety and health of the occupants;

(z) a feature or measure that, at the time the feature or measure was installed, was an essential health and safety measure under an Act in force at that time;

(za) a plumbing installation, feature or measure that –

(i) required a plumbing permit, or was high-risk work, to be installed; or

(ii) required a special plumbing permit, within the meaning of the *Building Act 2000*, to be installed; or

(iii) is provided as part of an alternative plumbing solution –

and is, or was, designated by the relevant permit authority to be an essential building service.

(2) For the purposes of the definition of *essential building services* in section 4(1) of the Act, a plumbing installation, feature or measure is prescribed if –

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- (a) the plumbing installation, feature or measure required a plumbing permit, or was high-risk work, to be installed; and
- (b) the plumbing installation, feature or measure was installed in –
 - (i) a Class 1a building; or
 - (ii) a Class 10 building that is associated with a Class 1a building; or
 - (iii) a Class 10 building that forms part of a toilet and ablution facility for use by members of the public.

73. Maintenance requirements

- (1) A responsible owner of a building, within the meaning of Part 14 of the Act, must maintain the building in accordance with –
 - (a) the schedule of maintenance approved in respect of the building under that Part; and
 - (b) any applicable provisions of the Act, or any other Act; and
 - (c) any requirement made in accordance with subregulation (2); and
 - (d) any applicable provisions of the National Construction Code.

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- (2) As part of notifiable work, or permit work, performed under the Act, a building surveyor or permit authority may place additional requirements in respect of the maintenance of premises where the work was performed or in respect of any system or installation installed as part of the work.
- (3) In determining any additional requirements under subregulation (2) in relation to premises, a building surveyor or permit authority is to take into account –
 - (a) if the requirements relate to work performed on the premises –
 - (i) any details provided with the application for a certificate of likely compliance for the work; and
 - (ii) any conditions on the certificate of likely compliance, or permit, issued in respect of the work; and
 - (iii) any health, safety and amenity requirements of the users of the premises; and
 - (b) the required standard of maintenance for essential building services on the premises and whether that standard is appropriate; and
 - (c) any existing schedule of maintenance approved in respect of the building under Part 14 of the Act; and

- (d) any determination by the Director of Building Control in respect of maintenance.

74. Maintenance of essential building services

Premises, and plumbing work within or associated with those premises, are maintained in accordance with the Act if the following actions are performed in respect of essential building services on the premises in accordance with the Act and the schedule of maintenance approved for the premises under section 206 of the Act:

- (a) inspections;
- (b) monitoring;
- (c) testing;
- (d) periodical servicing;
- (e) minor repairs or replacement of components and consumable items;
- (f) reporting of faults and issues.

75. Maintenance of automatic control devices

- (1) If an automatic control device, or similar device, has been installed in respect of plumbing work, a person maintaining such a device in accordance with the Act must report to the relevant permit authority as soon as practicable after –

- (a) discovering that the device is defective or failing to operate correctly; and
- (b) making any necessary repairs to the device to ensure the device is in working order.

Penalty: Fine not exceeding 50 penalty units.

- (2) A person maintaining an automatic control device, or similar device, must certify to the relevant permit authority that the device is in working order –
 - (a) as part of a report made under subregulation (1); and
 - (b) at such other intervals, or on such other events, as agreed by the relevant permit authority and the owner of the premises where the device is installed.

Penalty: Fine not exceeding 50 penalty units.

76. Maintenance of certain plumbing installations by qualified persons

A person must not perform maintenance work on an essential building service that is a plumbing installation or system (including maintenance of an on-site wastewater system and its land application area or the pumping out a septic tank, wastewater treatment unit or wastewater land application area) unless that person –

- (a) is a licensed plumber; or

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- (b) is a member of a class of persons that the Director of Building Control has specified as being a competent person to pump out the system; or
- (c) has an environmental approval under the *Environmental Management and Pollution Control Act 1994* to deal or dispose with the controlled waste, within the meaning of that Act, that may result from pumping out the tank, unit or area; or
- (d) is authorised by the relevant permit authority to pump out the system as part of work being performed under the Act.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues.

77. Permit authorities may request records of maintenance

- (1) A permit authority may request, in writing, an owner of premises to provide copies of any one or more of the following:
 - (a) the maintenance schedule for the premises;
 - (b) the records in relation to maintenance as specified under section 206(5)(a) of the Act;

- (c) evidence that the maintenance has been performed by a person with the required qualifications.
- (2) A request under subregulation (1) may specify the intervals, not exceeding the determined maximum number of intervals, at which the documents are to be provided under the request.
- (3) An owner of premises that receives a request under subregulation (1) must comply with that request.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues.

78. Permit authorities may perform maintenance work

- (1) The relevant permit authority may enter premises and perform maintenance required under the Act if the owner of the relevant premises –
 - (a) has been notified in writing by the relevant permit authority of the maintenance required to be performed; and
 - (b) has failed to perform the maintenance within the relevant specified period.
- (2) The owner of premises in respect of which the permit authority has authorised work under

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subregulation (1) is liable for any reasonable costs associated with the work performed on the premises under that subregulation.

- (3) The costs specified in subregulation (2) may be recovered by the relevant council as a charge under the *Local Government Act 1993*.

PART 8 – GENERAL OFFENCES

79. False notifications of emergency work

- (1) A person must not provide notification to a permit authority in respect of emergency work, within the meaning of section 214 of the Act, if the work being performed is not emergency work.

Penalty: Fine not exceeding 75 penalty units.

- (2) It is a defence to an offence under subregulation (1) if the person who provided the notification in respect of emergency work proves that he or she had reasonable grounds for believing, at the time of making the notification, that the work was emergency work.
- (3) In addition to any penalty imposed under subregulation (1), a person who is guilty of an offence under that subregulation may be required to comply with the relevant provisions of the Act, including the provisions relating to non-compliant work, in respect of the work performed as emergency work.

80. Discharges of trade waste

- (1) A person must not directly or indirectly discharge trade waste into an approved disposal system, other than a sewerage system, except as authorised under the Act or any other Act.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing

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offence, a further fine not exceeding 15 penalty units for each day during which the offence continues.

- (2) A person must not dilute trade waste to achieve compliance with any of the requirements, set out in a plumbing permit, for the discharge of liquid trade waste into an approved disposal system, other than a sewerage system, in accordance with –
- (a) the permit; and
 - (b) if the discharge is to enter a regulated entity's system, the relevant certificate of certifiable work (plumbing) issued under the *Water and Sewerage Industry Act 2008* in respect of the system.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues.

- (3) A person who has authorised the discharge of trade waste into an approved disposal system is liable for any costs incurred by the relevant permit authority for the testing of the discharge to ensure compliance with the Act.
- (4) The costs specified in subregulation (3) may be recovered by the relevant permit authority as a charge under the *Local Government Act 1993*.

81. Discharges from swimming pool

- (1) The owner of premises where a swimming pool is located must ensure that any discharge from the swimming pool, other than discharge from a filtration system of the swimming pool, is discharged in accordance with –
- (a) the approval of the relevant regulated entity, if the discharge is to be disposed of into a sewerage system or other approved disposal system of the regulated entity; or
 - (b) in any other case, the approval of the relevant permit authority.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues.

- (2) The owner of premises where a swimming pool is located must ensure that any discharge from the filtration system of the swimming pool is discharged –
- (a) into a sewerage system or other approved disposal system; or
 - (b) in accordance with the plumbing permit that relates to the installation of the filtration system; or

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- (c) in accordance with the schedule of maintenance for the premises where the pool is located.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues.

PART 9 – MISCELLANEOUS

82. Access provisions of National Construction Code

- (1) For the purposes of section 284(6)(b) of the Act, the circumstances specified in Schedule 4 are the circumstances prescribed for the purposes of that section.
- (2) For the purposes of the Act, D3.4 of the National Construction Code applies to part of a building that is a Class 2 building if –
 - (a) the building is an existing two-storey building; and
 - (b) the ground floor of the building is only comprised of a Class 5 or Class 6 building; and
 - (c) the second floor of the building is comprised of two or more Class 2 buildings that –
 - (i) are sole-occupancy units; and
 - (ii) are not made available for short-term rental.

83. Building certificates

The following persons may apply to the relevant general manager for a building certificate certifying that the relevant council does not intend to take any action under the Act, in

relation to a building, while the certificate is in force:

- (a) the owner of the building;
- (b) the purchaser of the building;
- (c) any other person authorised by the owner, or purchaser, of the building to make the application.

84. Assistance for inspections

A responsible person for work is to ensure that the relevant building surveyor, or permit authority, is provided with the equipment, materials, power and labour required to inspect the work, if requested to do so by the relevant building surveyor, or permit authority, as part of an inspection or test being performed under the Act.

Penalty: Fine not exceeding 50 penalty units and, in the case of a continuing offence, a further fine not exceeding 15 penalty units for each day during which the offence continues.

85. Infringement notices

For the purposes of section 324 of the Act –

- (a) an offence in a provision specified in column 1 of a table in Schedule 5 is a prescribed offence; and

- (b) the penalty specified in column 2 of a table in Schedule 5 is prescribed as the penalty for a natural person for the relevant offence specified in column 1 of the relevant table; and
- (c) the penalty specified in column 3 of a table in Schedule 5 is prescribed as the penalty for a body corporate for the relevant offence specified in column 1 of the relevant table.

86. Savings and transitionals

For the purposes of the Act, the savings and transitional provisions of Schedule 6 apply.

SCHEDULE 1 – FIRE SAFETY REQUIREMENTS

Regulation 3

1. Emergency vehicle access.
2. Fire mains, including –
 - (a) suitability of water flows and pressure; and
 - (b) location of control valves.
3. Hydrants and hose reels, including –
 - (a) location of external and internal hydrants and hose reels; and
 - (b) fire separation of hydrant from adjoining buildings; and
 - (c) provision of –
 - (i) roof hydrants; and
 - (ii) hard standing for fire appliances; and
 - (d) suitability of type of hose connections; and
 - (e) booster assembly including –
 - (i) provision of portable relay boost pump; and

- (ii) location and suitability of fire authority booster connections and enclosures.
- 4.** Sprinklers (including wall-wetting sprinklers), including –
- (a) location of valve room, pumps and water alarm; and
 - (b) location and suitability of fire authority booster connections and enclosures; and
 - (c) provision for signage; and
 - (d) connection of alarm to fire authority; and
 - (e) location of sprinkler heads; and
 - (f) location of isolation valves.
- 5.** Fire and smoke alarms in Class 2-9 buildings, including –
- (a) location of –
 - (i) fire indicator panels and sub-indicator panels; and
 - (ii) local warning devices; and
 - (iii) repeater or mimic panel; and
 - (iv) manual call points; and
 - (v) heat and smoke detectors and alarms; and

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- (vi) other heat or smoke-sensing devices; and
 - (b) weather protection of, accessibility to and lighting of equipment; and
 - (c) connection of alarm to fire authority; and
 - (d) suitability of either smoke or heat detection systems or other heat or smoke-sensing devices; and
 - (e) suitability of detectors in critical areas to avoid unwanted alarms.
- 6.** Fire control centres, including –
- (a) location of control centres; and
 - (b) size and contents of control centres; and
 - (c) ventilation, signage, lighting and sound levels.
- 7.** Provisions for special fire hazard premises, including –
- (a) location of additional fire hydrants; and
 - (b) accessibility for fire authority vehicles; and
 - (c) suitability of extinguishing agent; and
 - (d) provision, and suitability, of smoke hazard management systems; and

- (e) connection of alarm to fire authority; and
 - (f) suitability of flows and pressures relating to fire mains.
- 8.** Stairwell pressurisation, including –
- (a) emergency operation controls and indicators; and
 - (b) location of actuation detectors.
- 9.** Air-handling systems, including operational controls and indicators.
- 10.** Smoke and heat vents, including –
- (a) operational controls and indicators; and
 - (b) location of actuation detectors.
- 11.** Smoke exhausts, including –
- (a) operational controls and indicators; and
 - (b) location of actuation detectors.
- 12.** Emergency lifts, including fireman’s lift controls.
- 13.** Emergency warning and intercommunication systems, including –

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- (a) provision of suitable auxiliary warning device; and
 - (b) location of –
 - (i) warden intercommunication point; and
 - (ii) master emergency control point; and
 - (iii) sounders.
- 14.** Fire safety requirements proposed as part of an alternative solution in a bushfire-prone area.
- 15.** Provision of documentation and signage required under the relevant Australian Standard including –
- (a) design documentation; and
 - (b) commissioning reports and installer statements; and
 - (c) signage and operating instructions.

SCHEDULE 2 – PRESCRIBED PERIODS OF TIME

Regulation 5

	Section of Act	Prescribed period
1.	Section 79(1)	21 days
2.	Section 83(3)(b)	14 days
3.	Section 84(3)(b)	14 days
4.	Section 101(3)	2 business days
5.	Section 103(1)	5 business days
6.	Section 112(3)	2 business days
7.	Section 114(1)	5 business days
8.	Section 124(3)	2 business days
9.	Section 126(1)	5 business days
10.	Section 131(2)	14 days
11.	Section 134(1)	21 days
12.	Section 149(1)(a)	2 business days
13.	Section 149(2)	1 business day
14.	Section 150(3)	2 business days
15.	Section 151(1)	5 business days
16.	Section 157(2)	14 days
17.	Section 160(1)	21 days
18.	Section 175(1)(a)	2 business days

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	Section of Act	Prescribed period
19.	Section 175(2)	1 business day
20.	Section 175(3)	1 business day
21.	Section 176(3)	2 business days
22.	Section 177(1)	5 business days
23.	Section 182(2)	14 days
24.	Section 185(1)	21 days
25.	Section 199(1)(a)	2 business days
26.	Section 199(2)	1 business day
27.	Section 200(3)	2 business days
28.	Section 201(1)	5 business days
29.	Section 208(1)	2 business days
30.	Section 210(1)	2 business days
31.	Section 212(1)	2 business days
32.	Section 215(3)	5 business days
33.	Section 218(2)	5 business days
34.	Section 219(2)	14 days
35.	Section 221(2)	5 business days
36.	Section 222(1)	21 days
37.	Section 224(a)	2 business days

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	Section of Act	Prescribed period
38.	Section 231(2)	21 days
39.	Section 237(4) –	
	(a) if the building notice relates to work performed without valid authorisation	2 business days
	(b) in any other case	14 days
40.	Section 238(2) –	
	(a) if the plumbing notice relates to work performed without valid authorisation	2 business days
	(b) in any other case	14 days
41.	Section 239(2)(c)	14 days
42.	Section 240(2)(a)	14 days
43.	Section 253	2 business days
44.	Section 266(2)	60 days
45.	Section 267(4)(b)	5 business days

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SCHEDULE 3 – FUNCTION CONTROL AUTHORITIES
Regulation 10

	Function control authority	Type of special-use building
1.	Education and Care Unit of the Department of Education	An early childhood centre or school-age care facilities operated in accordance with the <i>Education and Care Services National Law</i> or the <i>Child Care Act 2001</i>
2.	Secretary of the Department of Health	Health service establishments operated in accordance with the <i>Health Service Establishments Act 2006</i>
3.	Commissioner for Licensing	Licensed premises within the meaning of the <i>Liquor Licensing Act 1990</i>
4.	The environmental health officer for the relevant municipal area	A temporary structure that is associated with a <i>place of assembly</i> gathering or event under the <i>Public Health Act 1997</i>
5.	The Chief Inspector	A primary produce business, within the meaning of the <i>Primary Produce Safety Act 2011</i> , regulated by a food safety scheme under that Act
6.	Tasmanian Dairy Industry Authority	Dairy premises within the meaning of the <i>Dairy Industry Act 1994</i>

**SCHEDULE 4 – MODIFICATION OF DISABILITY
ACCESS PROVISIONS**

Regulation 82

1. Any additional capital, operating or other costs, or loss of revenue, that would be directly incurred by, or be reasonably likely to result from, compliance with the access provision of the National Construction Code.
2. Any reduction in capital, operating or other costs, or increases in revenue, that would be directly achieved by, or be reasonably likely to result from, compliance with the access provision of the National Construction Code.
3. The extent to which the construction of the building has been or will be financed by government funding.
4. The extent to which the building is used for public purposes and has a community function.
5. The financial position of the applicant.
6. Any effect that compliance with the provision is reasonably likely to have on the financial viability of the applicant.
7. Any exceptional technical factors (such as the effect of load-bearing elements on the structural

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integrity of the building) or geographic factors (such as gradient or topography) affecting a person's ability to comply with the provision.

- 8.** Financial, staffing, technical, information and other resources reasonably available to the applicant, including any grants, tax concessions, subsidies or other external assistance provided or available.
- 9.** Whether the cost of alterations to make any premises accessible is disproportionate to the value of the building, taking into consideration the improved value that would result from the alterations.
- 10.** Benefits reasonably likely to accrue from compliance with the provision, including benefits to persons with disabilities, to building users or to other affected persons, or detriment likely to result from non-compliance.
- 11.** Detriment reasonably likely to be suffered by the applicant, building developer, or building manager, or by persons with disabilities or other building users, including in relation to means of access, comfort and convenience, if compliance with provision is required.
- 12.** If detriment under item 11 involves loss of heritage significance, the extent to which the heritage features of a building are essential, or

merely incidental, to the heritage significance of the building.

13. Any evidence regarding efforts made in good faith by the applicant or a person required to comply with the provision, including consulting access consultants or the relevant building surveyor.
14. If the applicant has given an action plan (within the meaning of Part 3 of the *Disability Discrimination Act 1992* of the Commonwealth) to the Australian Human Rights Commission under section 64 of that Act, the terms of the action plan and any evidence of its implementation.
15. The nature and results of any processes of consultation, including at local, regional, State, national, international, industry or other level, involving or on behalf of the applicant, a building developer, building manager or the relevant building surveyor and persons with disabilities, about means of achieving compliance with the provision, including in relation to the matters listed in section 284 of the Act and this Schedule.

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SCHEDULE 5 – INFRINGEMENT NOTICE OFFENCES

Regulation 85

	Section of Act	Natural person (penalty unit)	Body corporate (penalty unit)
1.	Section 11(1)	10	50
2.	Section 11(2)	10	50
3.	Section 11(3)	10	50
4.	Section 11(4)	10	-
5.	Section 20(4)	10	-
6.	Section 22(3)	10	-
7.	Section 22(4)	10	50
8.	Section 27(1)	10	-
9.	Section 27(2)	10	-
10.	Section 28(2)	10	50
11.	Section 28(3)	10	50
12.	Section 29(1)	10	50
13.	Section 29(2)	12	-
14.	Section 30(1)	10	50
15.	Section 31(3)	10	50
16.	Section 32	10	50

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	Section of Act	Natural person (penalty unit)	Body corporate (penalty unit)
17.	Section 35(1)	10	-
18.	Section 35(2)	10	50
19.	Section 36(1)	10	50
20.	Section 37(1)	10	50
21.	Section 38(3)	10	50
22.	Section 38(4)	10	50
23.	Section 39(2)	10	50
24.	Section 39(3)	10	50
25.	Section 42	10	50
26.	Section 43(2)	12	-
27.	Section 45(3)	12	-
28.	Section 51(2)	2	-
29.	Section 51(3)	2	-
30.	Section 51(4)	2	-
31.	Section 52(2)	2	-
32.	Section 55(2)	10	50
33.	Section 55(3)	10	50
34.	Section 57(2)	10	50

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	Section of Act	Natural person (penalty unit)	Body corporate (penalty unit)
35.	Section 57(3)	10	50
36.	Section 57(4)	10	50
37.	Section 58(2)	10	50
38.	Section 67	10	-
39.	Section 68(1)	10	-
40.	Section 68(2)	10	-
41.	Section 70(1)	10	50
42.	Section 70(2)	10	50
43.	Section 71(2)	10	50
44.	Section 72(2)	5	25
45.	Section 72(3)	10	50
46.	Section 73(1)	5	-
47.	Section 74	5	-
48.	Section 77(1)	10	50
49.	Section 82	10	50
50.	Section 83(1)	10	50
51.	Section 85(1)	2	5
52.	Section 86	2	5

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	Section of Act	Natural person (penalty unit)	Body corporate (penalty unit)
53.	Section 87(1)	10	50
54.	Section 90	10	50
55.	Section 95	10	50
56.	Section 96	10	-
57.	Section 99(1)	10	-
58.	Section 99(2)	10	-
59.	Section 99(4)	10	-
60.	Section 102(1)	10	-
61.	Section 107	10	-
62.	Section 110(1)	10	-
63.	Section 110(2)	10	-
64.	Section 110(4)	10	-
65.	Section 113(1)	10	-
66.	Section 118	10	50
67.	Section 119	10	-
68.	Section 122(1)	10	-
69.	Section 122(2)	10	-
70.	Section 122(4)	10	-

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	Section of Act	Natural person (penalty unit)	Body corporate (penalty unit)
71.	Section 125(1)	10	-
72.	Section 138(1)	10	-
73.	Section 148(1)	10	50
74.	Section 149(1)	5	25
75.	Section 164(1)	10	-
76.	Section 174(1)	10	50
77.	Section 175(1)	5	25
78.	Section 189(1)	10	-
79.	Section 198(1)	10	50
80.	Section 199(1)	5	25
81.	Section 205(1)	10	50
82.	Section 205(2)	10	50
83.	Section 205(3)	10	50
84.	Section 206(1)	10	50
85.	Section 206(2)	10	50
86.	Section 206(3)	2	5
87.	Section 206(4)	10	50
88.	Section 206(5)	2	5

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	Section of Act	Natural person (penalty unit)	Body corporate (penalty unit)
89.	Section 208(1)	10	-
90.	Section 208(4)	10	-
91.	Section 208(5)	10	-
92.	Section 209	10	-
93.	Section 210(1)	10	-
94.	Section 210(4)	10	-
95.	Section 210(5)	10	-
96.	Section 211	10	-
97.	Section 212(1)	10	-
98.	Section 212(4)	10	-
99.	Section 212(5)	10	-
100.	Section 213	10	-
101.	Section 215(2)	10	-
102.	Section 215(3)	10	-
103.	Section 216(3)	10	50
104.	Section 223(4)	2	5
105.	Section 224	2	5
106.	Section 225	10	50

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	Section of Act	Natural person (penalty unit)	Body corporate (penalty unit)
107.	Section 228	10	50
108.	Section 229(1)	10	50
109.	Section 229(2)	10	50
110.	Section 233(1)	10	50
111.	Section 233(2)	10	50
112.	Section 245(4)	10	50
113.	Section 246(8)	10	50
114.	Section 250(5)	10	50
115.	Section 253	2	5
116.	Section 260(2)	10	-
117.	Section 273(1)	2	5
118.	Section 275(2)	10	50
119.	Section 275(3)	10	50
120.	Section 299(3)	10	-
121.	Section 301(1)	10	-
122.	Section 304	10	50
123.	Section 305	10	-
124.	Section 306	10	-

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	Section of Act	Natural person (penalty unit)	Body corporate (penalty unit)
125.	Section 307(1)	10	-
126.	Section 307(2)	10	-
127.	Section 308(2)	5	-
128.	Section 309	5	-

**SCHEDULE 6 – SAVINGS AND TRANSITIONAL
PROVISIONS**

Regulation 86

1. Authorisations and accreditations

An authorisation of a plumbing product, or accreditation of a plumbing system, by the Minister under section 59 of the *Building Act 2000* that was in force immediately before the commencement of these regulations is taken, on and after the commencement of these regulations, to be an authorisation, or accreditation, by the Director of Building Control under section 18 of the Act on the same terms and conditions.

2. Occupancy permit required

If, before the commencement of these regulations, an occupancy permit was required under the *Building Act 2000* in respect of premises, an occupancy permit is required under the Act in respect of those premises unless the Act otherwise specifies.

3. Hazardous areas

(1) In this clause –

Tasmanian Planning Scheme has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

the State Planning Provisions has the same meaning as in the *Land Use Planning and Approvals Act 1993*.

- (2) Subject to subclause (3), Division 1 of Part 10 and section 159 of the *Building Act 2000*, and Part 1A and Divisions 1 and 3 of Part 2 of the *Building Regulations 2014*, as in force immediately before the commencement of these regulations, remain in force in respect of a municipal area until –
- (a) the State Planning Provisions come into effect as part of the Tasmanian Planning Scheme in accordance with section 29(2) of the *Land Use Planning and Approvals Act 1993*; and
 - (b) the State Planning Provisions come into effect in respect of that municipal area in accordance with section 30(2) of the *Land Use Planning and Approvals Act 1993*.
- (3) For the purposes of the provisions of the *Building Regulations 2014* that remain in force by virtue of subclause (2) –
- (a) the definition in those regulations of ***building work in a bushfire-prone area*** is taken to not include paragraphs (d) and (e) of that definition; and
 - (b) work that does not require a building permit under the Act is not building work in a bushfire-prone area for the purposes of that definition.

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- (4) Part 5 of these regulations does not apply in respect of a municipal area until –
 - (a) the State Planning Provisions come into effect as part of the Tasmanian Planning Scheme in accordance with section 29(2) of the *Land Use Planning and Approvals Act 1993*; and
 - (b) the State Planning Provisions come into effect in respect of that municipal area in accordance with section 30(2) of the *Land Use Planning and Approvals Act 1993*.
- (5) For the purposes of these regulations, a reference in these regulations to a type of relevant hazard area, within the meaning of Part 5, includes a reference to the same type of hazard area under the *Building Act 2000* that may continue in force by virtue of the continuation of provisions of that Act and the *Building Regulations 2014* by virtue of subclause (2).

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Notified in the *Gazette* on 20 .

These regulations are administered in the Department of Justice.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations make provision for the following matters relating to building work, plumbing work and demolition work under the *Building Act 2016*:

- (a) matters in relation to the performance of building work, plumbing work and demolition work;
- (b) the power of the Director of Building Control to make guidelines and determinations in respect of certain matters;
- (c) maintenance requirements under that Act;
- (d) occupancy requirements under that Act;
- (e) other miscellaneous matters.