

Building Act 2011

Building Amendment Regulations (No. 3) 2015

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Building Amendment Regulations (No. 3) 2015*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Fire and Emergency Services (Bush Fire Prone Areas) Order 2015* comes into operation.

3. Regulations amended

These regulations amend the *Building Regulations 2012*.

4. Regulation 3 amended

In regulation 3 insert in alphabetical order:

bush fire prone area means an area of the State designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area;

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5. Regulation 31A amended

In regulation 31A(1) before “31B,” insert:

31BA,

6. Regulation 31BA inserted

After regulation 31A insert:

31BA. Applicable building standards for buildings and incidental structures in bush fire prone areas (s. 3, 19(3), 37(1) and (2), 57(3), 49(b), 51(2) and (3))

- (1) For the purposes of the definition of *applicable building standard* in section 3, the building standards set out in subregulation (2) are prescribed as applicable building standards for the purposes of sections 19(3) and 37(1) in respect of all kinds of buildings or incidental structures located in a bush fire prone area.
- (2) For subregulation (1), the applicable building standards for a building or incidental structure are the requirements mentioned in regulation 31A(2) except that, for a building or incidental structure located in an area that has been a bush fire prone area for a period of less than 4 months at the time an application for a building permit is made, the requirements listed in the Table to this regulation do not apply.
- (3) For the purposes of the definition of *applicable building standard* in section 3, the building standards set out in subregulation (4) are prescribed as applicable building standards for the purposes of section 37(2) in respect of all kinds of buildings or incidental structures located in a bush fire prone area.

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- (4) For subregulation (3), the applicable building standards for a building or incidental structure are the requirements mentioned in regulation 31E(2) except that, for a building or incidental structure located in an area that has been a bush fire prone area for a period of less than 4 months at the time construction commenced, the requirements listed in the Table to this regulation do not apply.
- (5) For the purposes of the definition of ***applicable building standard*** in section 3, the building standards set out in subregulation (6) are prescribed as applicable building standards for the purposes of section 57(3) for an application mentioned —
- (a) in section 49(b) or 51(2) in respect of all kinds of buildings located in a bush fire prone area; or
 - (b) in section 51(3) in respect of all kinds of buildings and incidental structures located in a bush fire prone area.
- (6) For subregulation (5), the applicable building standards for a building or incidental structure are the requirements mentioned in regulation 31G(2), except that, for a building or incidental structure located in an area that has been a bush fire prone area for a period of less than 4 months at the time the application for an occupancy permit or building approval certificate is made, the requirements listed in the Table to this regulation do not apply.

Table

Part of Building Code	Performance requirements
Volume One, Part G5 — Construction in Bushfire Prone Areas	GP5.1

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Part of Building Code	Performance requirements
Volume Two, Part 2.3 — Fire safety	P2.3.4

- (7) For the purposes of this regulation an area that is a bush fire prone area is to be taken to have been a bush fire prone area for a period of at least 4 months if immediately before commencement day the area was identified in any way under a local planning scheme as an area that is subject, or likely to be subject, to bush fires.
- (8) In subregulation (7) —
commencement day means the day on which the *Building Amendment Regulations (No. 3) 2015* regulation 6 comes into operation;
local planning scheme has the meaning given in the *Planning and Development Act 2005* section 4(1).

7. Regulation 31E amended

In regulation 31E(1) delete “structures.” and insert:

structures, except to the extent that regulation 31BA otherwise provides.

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8. Regulation 31G amended

In regulation 31G(1) delete “are prescribed” and insert:

are, except to the extent that regulation 31BA otherwise provides, prescribed

K. H. ANDREWS, Clerk of the Executive Council.