

CM301\*

Building Act 2011

## **Building Amendment Regulations 2014**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Building Amendment Regulations 2014*.

### **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 after that day.

### **3. Regulations amended**

These regulations amend the *Building Regulations 2012*.

### **4. Regulation 15A amended**

- (1) Delete regulation 15A(2) and insert:
  - (2) The permit authority that grants an occupancy permit for a building in respect of which plans and specifications were provided to the FES under regulation 18B(1) must give to the FES Commissioner a copy of the occupancy permit.
- (2) In regulation 15A(3) after “occupancy permit” insert:

referred to in subregulation (2)

**5. Regulation 31B amended**

In regulation 31B(1) delete “1 May 2014.” and insert:

1 May 2015.

Note: The heading to amended regulation 31B is to read:

**Applicable building standards for alterations etc. before  
1 May 2015 (s. 3, 19(3) and 37(1))**

**6. Regulation 31D amended**

(1) In regulation 31D(1) after “37(1)” insert:

and (2)

(2) In regulation 31D(3):

(a) in the 1<sup>st</sup> item in the Table delete “BP1.3” and insert:

BP1.3, BP1.4

(b) in the 6<sup>th</sup> item in the Table delete “P2.1” and insert:

P2.1.1, P2.1.2

Note: The heading to amended regulation 31D is to read:

**Applicable building standards for relocated buildings and  
incidental structures (s. 3, 19(3) and 37(1) and (2))**

**7. Regulation 31F amended**

In regulation 31F(1) delete “49(a) or 50(1)(a) or (b)” and insert:

49(a), 50(1)(a) or (b) or 50(2)(a) or (b)

Note: The heading to amended regulation 31F is to read:

**Applicable building standards for replacement occupancy permit  
for permanent change of building’s use or for occupancy permit  
or building approval certificate for registration of strata scheme,  
plan of re subdivision (s. 3, 57(3), 49(a), 50(1)(a) and (b) and  
50(2)(a) and (b))**

**8. Regulation 31I amended**

Delete regulation 31I(2)(b) and insert:

(b) ensuring that each electrical, gas, telephone or water service to the building or incidental structure being demolished is disconnected by

the provider of the service no later than the day on which the demolition work is completed.

**9. Regulation 44A inserted**

At the beginning of Part 7 insert:

**44A. Terms used**

In this Part —

*architectural feature* includes a moulding, string course, cornice, coping, eave, window sill and fin;

*public place* means an area that is —

- (a) a reserve as defined in the *Land Administration Act 1997* section 3(1); or
- (b) a mall reserve as defined in the *Land Administration Act 1997* section 3(1);

*road* has the meaning given in the *Land Administration Act 1997* section 3(1).

**10. Regulations 45A and 45B inserted**

After regulation 44 insert:

**45A. Minor encroachments (s. 76(1)(c))**

For the purposes of section 76(1)(c) the following encroachments are minor encroachments —

- (a) an architectural feature attached to a building if the feature encroaches on a road or a public place by not more than 250 mm;
- (b) a window or shutter that —
  - (i) when open encroaches on a road or a public place; and
  - (ii) is at least 2.75 m above the surface of the road or the ground level of the public place;
- (c) a window shutter that, when fully open, encroaches on a road or a public place by not more than 50 mm.

**45B. Circumstances prescribed for purposes of section 76(1)(e)**

- (1) For the purposes of section 76(1)(e) prescribed circumstances are the placement of an awning, verandah or thing attached to an awning or verandah

that encroaches on a road or a public place if the awning, verandah or thing —

- (a) is at least 2.75 m above the surface of the road or the ground level of the public place; and
  - (b) has no supports connecting it to the surface of the road or the public place; and
  - (c) is constructed in an approved manner.
- (2) For the purposes of subregulation (1)(c) an awning, verandah or thing attached to an awning or verandah is constructed in an approved manner if —
- (a) the construction —
    - (i) is development as defined in the *Planning and Development Act 2005* section 4(1); and
    - (ii) is in accordance with the requirements of that Act that applied to the construction at the time of the construction;
  - or
  - (b) the construction is in accordance with a local law made under the *Local Government Act 1995* section 9.60 that applied to the construction at the time of the construction.

**11. Regulation 47 amended**

In regulation 47(1) in the Table item 1 delete “Class 10a” and insert:

Classes 2 to 10

**12. Part 8 Division 2A inserted**

After regulation 47 insert:

**Division 2A — Maintenance**

**48A. Maintenance of buildings**

- (1) In this regulation —
- relevant building standards*, in relation to a part of a building, means —
- (a) if one or more building permits have been granted in respect of the part — the building standards in the edition of the Building Code identified in the applicable certificate of design

compliance for the most recent of those building permits; or

- (b) if paragraph(a) does not apply but one or more building licences were issued under the *Local Government (Miscellaneous Provisions) Act 1960* in respect of the part — the building standards in the edition of the Building Code that applied at the time the most recent building licence was issued;

**safety measures** means measures relating to the following —

- (a) building fire integrity;
  - (b) means of egress;
  - (c) signs;
  - (d) lighting;
  - (e) fire fighting services and equipment;
  - (f) air handing systems;
  - (g) automatic fire detection and alarm;
  - (h) occupant warning systems;
  - (i) lifts;
  - (j) standby power supply systems;
  - (k) building clearance and fire appliances;
  - (l) glazed assemblies, balconies, balustrades, refrigerated chambers, strong rooms, vaults;
  - (m) bushfire protection measures;
  - (n) building use and application.
- (2) The owner of an existing building that is a Class 2 to Class 9 building must ensure that —
- (a) the safety measures in each part of the building are capable of performing to a standard set out in the relevant building standards for the part; and
  - (b) the mechanical ventilation, hot water, warm water and cooling water systems are adequately maintained to safeguard people from illness or injury; and
  - (c) the building's services in each part of the building continue to perform to a standard of energy efficiency that is equal to or greater than the standard in the relevant building standards for the part.

Penalty: a fine of \$5 000.

**13. Regulation 54A inserted**

After regulation 53 insert:

**54A. Temporary pool enclosures**

- (1) In this regulation —  
*person responsible* has the meaning given in section 75;  
*work* has the meaning given in section 75.
- (2) A person responsible for work that requires the removal of a fence, wall, gate or other barrier that is part of the enclosure for a private swimming pool must ensure that an alternative enclosure that complies with regulation 50 is installed or provided for any period during which the fence, wall, gate or barrier is removed.

**14. Regulation 60 amended**

After regulation 60(3) insert:

- (4) Despite subregulation (2)(a) a dwelling is not required to meet a provision of the Building Code applicable at the time of installation of the alarms that requires smoke alarms to be interconnected if —
  - (a) a building licence for the construction, erection, assembly or placement of the dwelling was issued under the *Local Government (Miscellaneous Provisions) Act 1960* before commencement day; or
  - (b) a building permit for the construction, erection, assembly or placement of the dwelling was granted before 1 May 2015; or
  - (c) a building permit or a building licence was not required for the construction, erection, assembly or placement of the dwelling and the construction, erection, assembly or placement of the dwelling commenced before 1 May 2015.

**15. Regulation 62 amended**

- (1) Delete regulation 62(1) and insert:

- (1) This regulation applies to a person who is the lessor of a dwelling, within the meaning given in the *Residential Tenancies Act 1987* section 3.

- (2) In regulation 62(2) delete “owner” and insert:

lessor of a dwelling

**16. Schedule 3 amended**

In Schedule 3 in the second item in the Table delete “EP1.1” and insert:

EP1.3

**17. Schedule 4 amended**

Delete Schedule 4 clause 2 item 12(a) and insert:

- (a) commences before 30 June 2017; and

**18. Schedule 5 amended**

In Schedule 5 delete the item relating to Greater Geraldton and insert:

Greater Geraldton

Whole district except areas in  
Mullewa Ward that are not townsites

**19. Schedule 6 amended**

In Schedule 6:

- (a) delete “100” and insert:

750

- (b) delete “750” (each occurrence) and insert:

1 000

R. KENNEDY, Clerk of the Executive Council.

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