
COMMERCE

CM301

Building Act 2011

Building Amendment Regulations 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Building Amendment Regulations 2017*.

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 11 amended

- (1) In regulation 11 delete “The” and insert:

- (1) The

- (2) At the end of regulation 11 insert:

- (2) The Building Commissioner may reduce, waive or refund the whole or part of the fee in Schedule 2 Division 3.

5. Regulation 31 amended

- (1) In regulation 31 insert in alphabetical order:

accredited person means a person who has successfully completed an accreditation in bush fire planning that has been approved by the Building Commissioner;

transitional bush fire application means an application in relation to a bush fire performance requirement that is made —

- (a) before 1 May 2019; and
- (b) in respect of a Class 1a building or an associated Class 10a building or deck that is located less than 6 metres from a Class 1a building.

- (2) In regulation 31 in the definition of *application* delete “application.” and insert:

application;

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

Terms used

6. Regulation 32 amended

In regulation 32(1) delete “standard” (1st occurrence) and insert:

standard, other than a transitional bush fire application,

7. Regulation 32A inserted

After regulation 32 insert:

32A. Statement to accompany transitional bush fire application (s. 39(8)(b))

- (1) A transitional bush fire application must be accompanied by —
- (a) a statement by an accredited person setting out —
 - (i) the BAL for the building site; and
 - (ii) each risk to people, property or the environment that the bush fire performance requirement, if applied, prevents or minimises; and
 - (iii) if, and the extent to which, a risk to people, property or the environment would be increased if the bush fire performance requirement did not apply, or was modified in the way proposed by the applicant;

and

- (b) a statement of the applicant setting out the reasons for the applicant's opinion that making the declaration on the application —
 - (i) is in the public interest; or
 - (ii) is consistent with the purpose of a written law or a Commonwealth law specified in the applicant's statement.
- (2) The Building Commissioner may request an applicant to supply any other document or information that the Building Commissioner reasonably requires to determine the application.
- (3) This regulation does not limit the information that the Building Commissioner may take into account in determining an application.

N. HAGLEY, Clerk of the Executive Council.