

LG302**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960
BUILDING AMENDMENT REGULATIONS 1997**

Made by the Governor in Executive Council under section 433A of the Act and section 9.60 of the *Local Government Act 1995*.

Citation

1. These regulations may be cited as the *Building Amendment Regulations 1997*.

Commencement

2. These regulations come into operation on 1 July 1997.

Principal regulations

3. In these regulations the *Building Regulations 1989** are referred to as the principal regulations.

[* *Reprinted as at 22 November 1995.*
For amendments to 5 June 1997 see 1996 Index to Legislation of Western Australia, Table 4, pp.175-76.]

Regulation 3 amended

4. (1) Regulation 3 (1) of the principal regulations is amended —
 - (a) by inserting the following definitions in the appropriate alphabetical positions —

“
“Act” means the *Local Government (Miscellaneous Provisions) Act 1960*;

"Building Code" means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

"local government" means the local government of the district in which a building is, or is proposed to be, constructed;

"performance requirements" means the provisions of the Building Code which set out the technical requirements in accordance with which buildings must be built;

";

- (b) by deleting the definition of "council";
- (c) in the definition "district" by deleting "municipal" and substituting the following —
" local government "; and
- (d) in the definition of "owner" by deleting "in the occupation" and substituting the following —
" in occupation ".

(2) Regulation 3 (2) of the principal regulations is repealed.

Regulation 5 amended

5. Regulation 5 (1) of the principal regulations is amended by deleting "Part A3 of that Code" and substituting the following —

" Part A3 of Volume One of the Building Code ".

Regulation 6 amended

6. (1) Regulation 6 (1) of the principal regulations is amended —

- (a) in paragraph (b) by inserting after "regulations" the following —
" or the Building Code "; and
- (b) by deleting "by-laws or these regulations in operation under Part XV of the Act" and substituting the following —

"
local laws, regulations and the Building Code as in operation
".

(2) Regulation 6 (2) of the principal regulations is amended —

- (a) by inserting after "regulations" in the first place where it occurs the following —
" or the Building Code "; and
- (b) in paragraph (a) by deleting "by-laws or regulations then in operation under Part XV of the Act" and substituting the following —

"
local laws, regulations and the Building Code as in operation
".

Regulation 7 repealed

7. Regulation 7 of the principal regulations is repealed.

Part 3 repealed

8. Part 3 of the principal regulations is repealed.

Regulation 11 amended

9. (1) Regulation 11 (1) (d) of the principal regulations and the heading to that paragraph are deleted and the following is substituted —

“

Performance levels and requirements

- (d) when required by the building surveyor —
- (i) a list of the performance requirements applicable to that building which will be satisfied by a method other than that set out in the Deemed-to-Satisfy Provisions of the Building Code;
 - (ii) details of assessment methods to be used to establish compliance with those listed requirements;
 - (iii) details of any expert certificates relied on to establish compliance with those listed requirements, including the extent of the reliance and the qualifications of the expert;
 - (iv) details of any tests or calculations used to establish compliance with those listed requirements; and
 - (v) details of any standards or other documents relied on to establish compliance with those listed requirements;
- (da) any other details required by the building surveyor to establish compliance with the Building Code;
- and

”.

- (2) Regulation 11 (1) (e) of the principal regulations is amended by deleting “an estimate of the cost” and substituting the following —

“

the estimated value (calculated in the manner set out in regulation 24 (2))

”.

Regulation 14 amended

10. Regulation 14 (2) of the principal regulations is amended by deleting “notice.” and substituting the following —

“

notice, together with details of the builder’s rights under Part XV of the Act to appeal against the refusal.

”.

Regulation 18 amended

11. Regulation 18 (1) of the principal regulations is amended by deleting “table” and substituting the following —

“ Table ”.

Regulation 19 amended

12. Regulation 19 of the principal regulations is repealed and the following regulation is substituted —

“

Classification of Buildings

19. Every building shall be classified by the local government in accordance with Part A3 of Volume One of the Building Code.

”.

Regulation 20 amended

13. Regulation 20 (3) of the principal regulations is amended by deleting "council's" and substituting the following —

" local government's ".

Regulation 23 amended

14. Regulation 23 of the principal regulations is amended —

(a) by deleting "person" and substituting the following —

" A person ";

(b) by deleting "\$400" and substituting the following —

" \$5 000 ";

(c) by deleting "\$20" and substituting the following —

" \$100 ".

Regulation 24 amended

15. The Table to regulation 24 (1) of the principal regulations is amended in item 3 by deleting the description and substituting the following description —

"
Materials on, or excavation of, a street
For the issue of a licence for the deposit of
materials on, or the excavation of, a street."
"

Regulation 31 amended

16. (1) Regulation 31 (a) of the principal regulations is amended —

(a) in subparagraph (i) (A) by deleting "Australia" and substituting the following —

"
(as defined in the *Telecommunications Act 1991* of the
Commonwealth)
";

(b) by deleting subparagraph (i) (B) and substituting the following —

"
(B) the Electricity Corporation, Gas Corporation or other
supply authority and arrangements shall be made for
the disconnection of energy services to the building,
or the part of the building to be demolished; and
";

and

(c) in subparagraph (ii) by deleting "Council" and substituting the following —

" government ".

(2) Regulation 31 (g) of the principal regulations is amended by deleting "council" and substituting the following —

" the local government ".

(3) After regulation 31 (m) of the principal regulations the following is inserted —

“ and ”.

(4) Regulation 31 (n) of the principal regulations is amended by deleting “*Occupational Health, Safety and Welfare Regulations 1988*” and substituting the following —

“ *Occupational Safety and Health Regulations 1996* ”.

Regulations 33, 35 and 36 amended

17. Regulations 33, 35 (a) and 36 of the principal regulations are amended by deleting “2 700 mm” and substituting the following —

“ 2 750 mm ”.

Regulation 38 repealed and a regulation substituted

18. Regulation 38 of the principal regulations is repealed and the following regulation is substituted —

“

Certain provision of the Building Code not to apply

38. The following provisions of the Building Code do not apply —

(a) in Volume One —

- (i) Objective G01 (c);
 - (ii) Functional Statement GF1.2; and
 - (iii) Performance Requirement GP1.2;
- and

(b) in Volume Two —

- (i) Objective O2.5 (b);
- (ii) Functional Statement F2.5.2; and
- (iii) Performance Requirement P2.5.3.

”.

Regulation 38H amended

19. Regulation 38H (2) (a) and (b) of the principal regulations are amended by deleting “*Local Government (Miscellaneous Provisions) Act 1960*” and substituting the following —

“ Act ”.

Regulation 41 repealed

20. Regulation 41 of the principal regulations is repealed.

Regulation 42 amended

21. Regulation 42 (2) of the principal regulations is amended by deleting “\$400” and substituting the following —

“ \$5 000 ”.

Various references to "council" amended

22. The principal regulations are amended in each regulation listed in the Table to this regulation by deleting "council" or "Council" in each place where it occurs and substituting the following —

" local government ".

TABLE

reg. 3 (1) in the definition of "approved"	reg. 20 (1), (3)
reg. 4 (1) (b)	reg. 21
reg. 5 (2)	reg. 22 (2) (b), (3), (4)
reg. 6 (1), (2)	reg. 24 (1), item 1 (a) and (b) of the Table
reg. 10 (1)	reg. 26 (2)
reg. 11 (5), (6)	reg. 27 (4)
reg. 12 (2)	reg. 31 (b), (j), (k), (l)
reg. 14 (2) (a)	reg. 38A in the definition of "pre-July 1992 pool"
reg. 15 (1)	reg. 38B (3) (b), (3a)
reg. 16 (1)	
reg. 18 (2), (2) (c), (3), heading to (3)	

Schedule 1 repealed and a Schedule substituted

23. Schedule 1 to the principal regulations is repealed and the following Schedule is substituted —

"

SCHEDULE 1 — FORMS

Form 1. Certificate of classification

Local Government (Miscellaneous Provisions) Act 1960, s. 374C
Building Regulations 1989, reg 20 (1)

CERTIFICATE OF BUILDING CLASSIFICATION

Local Government:

Building	Address	No.:	Street name:	
		Suburb:		Postcode:
	Lot/location No.:			

Classification	Storey or portion of building	Classification(s)

Chief Executive Officer	Name:	
	Signature:	Date:

Form 2. Application for building licence

Local Government (Miscellaneous Provisions) Act 1960, s. 374
Building Regulations 1989, reg. 10 (2)

APPLICATION FOR BUILDING LICENCE

(Office use)
 Application no.: _____

Local Government: _____

Property where building to be built	Address	No.:	Street name:
		Suburb:	Postcode:
	Lot/location No.:		
	Certificate of Title	Volume:	Folio:

Owner	Name:
	Address:

Occupier	Name:
	Address:

Details of work	<input type="checkbox"/> New building Give details of type of building (e.g.: residence, shop, factory, warehouse):
	<input type="checkbox"/> Alteration or addition to existing building Give details of type of alteration or addition (e.g.: carport, bedroom, second storey, store room, office, toilet, games room):
	Estimated value of building work: \$

Applicant	Name:
	Address:
	Phone numbers (H): (W):
	Fax number: Email:
	Signature: Date:

Form 3. Application for demolition licence

Local Government (Miscellaneous Provisions) Act 1960, s. 374A
Building Regulations 1989, reg. 10 (2)

(Office use)
 Application no.: _____

APPLICATION FOR DEMOLITION LICENCE

Local Government: _____

Building to be demolished	Address	No.:	Street name:
		Suburb:	Postcode:
	Lot/location No.:		
	Certificate of Title	Volume:	Folio:
	To be demolished: <input type="checkbox"/> Whole of building <input type="checkbox"/> Part only of building. Give details:		
	Type of construction (e.g. brick & tile):		
	Number of storeys:		
	Previous use or classification:		

Owner	Name:
	Address:

Demolition contractor	Name:
	Address:
	Phone number: Fax number:

Applicant	Name:
	Address:
	Phone numbers (H): (W):
	Fax number: Email:
	Signature: Date:

Form 4. Building licence

*Local Government (Miscellaneous Provisions) Act 1960, s. 374
Building Regulations 1989, reg. 13 (1) (d)*

BUILDING LICENCE

Licence no.:

Local Government:

Licensee	Name:
	Address:

Property where building to be built	Address	No.:	Street name:
		Suburb:	Postcode:
	Lot/location No.:		
	Certificate of Title	Volume:	Folio:

Details of work	<input type="checkbox"/> New building Type of building (e.g.: residential, shop, factory, warehouse):
	<input type="checkbox"/> Alteration or addition to existing building Type of alteration or addition (e.g.: carport, bedroom, second storey, store room, office, toilet, games room):

The building work permitted by this licence —

- must be carried out in accordance with the plans, drawings and specifications submitted with Application for Building Licence no. _____; and
- must be carried out in accordance with the conditions set out on the back of this licence.

If the building work permitted by this licence is not substantially commenced within 12 months of the date of this licence, the licence will become void.

The building has been assessed as being of Class(es) _____

Building surveyor	Name:
	Signature: Date:

Note: The licensee must produce this licence and the approved plans, drawings and specifications whenever requested by the building surveyor.

Back of Form 4.**CONDITIONS**

This licence is subject to the following conditions.

If you are dissatisfied with these conditions you may appeal to the Minister under section 374 of *Local Government (Miscellaneous Provisions) Act 1960*.

Form 5. Special building licence

Local Government (Miscellaneous Provisions) Act 1960, s. 399 (4)
Building Regulations 1989, reg. 13 (1) (d)

SPECIAL BUILDING LICENCE

Licence no.:

Local Government:

Licensee	Name:
	Address:

Property where building to be built	Address	No.:	Street name:	
		Suburb:	Postcode:	
	Lot/location No.:			
	Certificate of Title	Volume:	Folio:	

Details of work	<input type="checkbox"/> New building Type of building (e.g.: residence, shop, factory, warehouse):
	<input type="checkbox"/> Alteration or addition to existing building Type of alteration or addition (e.g.: carport, bedroom, second storey, store room, office, toilet, games room):
	<input type="checkbox"/> Temporary building Type of building (e.g.: marquee, grandstand, stage):

The building work permitted by this licence must be carried out in accordance with —

- the plans, drawings and specifications submitted with Application for Building Licence no. _____; and
- the conditions set out on the back of this licence.

The building has been assessed as being of Class(es) _____

Building surveyor	Name:	
	Signature:	Date:

Note: The licensee must produce this licence and the approved plans, drawings and specifications whenever requested by the building surveyor.

Back of Form 5.**CONDITIONS**

This licence is subject to the following conditions.

If you are dissatisfied with these conditions you may appeal to the Minister under section 399 of *Local Government (Miscellaneous Provisions) Act 1960*.

Form 6. Licence to deposit building material on, or excavate near, a street

*Local Government (Miscellaneous Provisions) Act 1960, s. 377
Building Regulations 1989, reg. 25*

LICENCE TO DEPOSIT BUILDING MATERIAL ON, OR EXCAVATE NEAR, A STREET

Licence no.: _____

Local Government: _____

Licensee	Name: _____
	Address: _____

Property where building to be built or excavation to be carried out	Address	No.:	Street name:
		Suburb:	Postcode:
	Lot/location No.:		
	Certificate of Title	Volume:	Folio:

Details of deposit or excavation	<input type="checkbox"/> Deposit of building material on a street Type of material: _____ Name of street: _____ Part of street (e.g.: outside No. 10): _____
	<input type="checkbox"/> Excavation near a street Reason for excavation: _____ Name of street: _____ Part of street likely to be affected (e.g.: outside No. 10): _____
	Period during which part of street may be enclosed: _____ to _____
	Maximum area of the street which may be enclosed: Frontage: _____ m Width: _____ m Height: _____ m.

The deposit of building material or excavation permitted by this licence must be carried out in accordance with the conditions set out on the back of this licence.

Deposit	The local government acknowledges receipt of a deposit of \$ _____ paid by the licensee under section 377 (4) of the Act.
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Building surveyor	Name: _____
	Signature: _____ Date: _____

Back of Form 6.**CONDITIONS**

This licence is subject to the following conditions.

1. Every excavation must be securely fenced off from the street to the satisfaction of the building surveyor.
2. When building materials are deposited on a street the licensee must install and maintain —
 - (a) hoardings around the deposited material;
 - (b) gangways to allow vehicular and pedestrian access along the street; and
 - (c) water channels to allow water to drain from the area,which are constructed from materials, and to a design, approved by the building surveyor.
3. The licensee must ensure that the area around any excavation or deposited material is sufficiently lit during darkness to ensure the safety of persons using the street.
4. On or before the last day on which this licence permits the licensee to enclose part of the street, the licensee must —
 - remove all hoardings, gangways, channelling, building material and debris from the street; and
 - repair, to the satisfaction of the building surveyor, any damage caused to the street (including the road surface, kerbing and footpaths).

If you are dissatisfied with these conditions you may, within 14 days of the granting of this licence, appeal under section 377 of the *Local Government (Miscellaneous Provisions) Act 1960*.

Form 7. Demolition licence

Local Government (Miscellaneous Provisions) Act 1960, s. 374A
Building Regulations 1989, regs. 13 (2) and 30

DEMOLITION LICENCE

Licence no.: _____

Local Government: _____

Licensee	Name:
	Address:

Demolition contractor: _____

Building to be demolished	Address	No.:	Street name:
		Suburb:	Postcode:
	Lot/location No.:		
	Certificate of Title	Volume:	Folio:
	To be demolished: <input type="checkbox"/> Whole of building <input type="checkbox"/> Part only of building. Details:		
	Type of construction (e.g. brick & tile):		
	Number of storeys:		
	Previous use or classification:		

The demolition work permitted by this licence must be —

- carried out in accordance with the details set out in Application for Demolition Licence no. _____;
- carried out in accordance with the conditions set out on the back of this licence; and
- commenced within 12 months of the date of this licence.

Building surveyor	Name:
	Signature: _____ Date: _____

Back of Form 7.

CONDITIONS

This licence is subject to the following conditions.

If you are dissatisfied with these conditions you may be able to appeal to the Minister under section 374A of *Local Government (Miscellaneous Provisions) Act 1960*.

By Command of the Governor,

J. PRITCHARD, Clerk of the Executive Council.