
INDUSTRY REGULATION

IS301

Building Act 2011

Building Amendment Regulations (No. 2) 2018

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Building Amendment Regulations (No. 2) 2018*.

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 3 amended

In regulation 3 insert in alphabetical order:

CV3 means the verification method CV3 set out in the Building Code Volume 1 Section C;

fire resistance performance requirement means a requirement that is part of the Building Code Volume 1 performance requirement CP2 if the purpose of the requirement is to avoid the spread of fire via an external wall of a building;

5. Regulation 31A amended

In regulation 31A(1) delete “31B, 31C and 31D” and insert:

31C, 31D and 31HA

6. Regulation 31B deleted

Delete regulation 31B.

7. Regulation 31E amended

In regulation 31E(1) delete “31BA and 31C” and insert:

31BA, 31C and 31HA

8. Regulation 31G amended

In regulation 31G(1) delete “regulation 31BA otherwise provides,” and insert:

regulations 31BA and 31HA otherwise provide,

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

Applicable building standards for replacement occupancy permit for change of building’s classification, or occupancy permit for unauthorised work to building, or for building approval certificate for unauthorised work to building or incidental structure (s. 3, 49(b), 51(2) and (3) and 57(3))

9. Regulation 31HA inserted

At the end of Part 4 Division 1 Subdivision 1 insert:

31HA. Applicable building standards for non-combustible external walls (s. 3, 19(3), 37(1) and (2) and 57(3))

(1) In this regulation —

commencement date means the date on which the *Building Amendment Regulations (No. 2) 2018* regulation 9 comes into operation;

debris criteria means the following classification criteria in AS 5113:2016 (Fire propagation testing and classification of external walls of buildings) as referenced in CV3 —

- (a) the criterion set out in clause 5.4.3(g);
- (b) the criterion set out in clause 5.4.5(g);
- (c) the criterion set out in clause 5.4.6(f);

exempt remedial work means remedial work that is carried out primarily for the purposes of ensuring that an external wall of an existing building or incidental structure complies with the fire resistance performance requirement;

existing building or incidental structure means a building or an incidental structure in relation to which —

- (a) an application for a building permit was made before the commencement date; or
- (b) a building licence or other approval that was required to be granted under the written law applicable at the time was granted before the commencement date; or
- (c) a building permit, building licence or other approval was not required and the construction of the building or the incidental structure commenced before the commencement date;

external wall has the meaning given in the Building Code Volume 1 Part A1;

non-combustible external wall means an external wall that is required to be non-combustible (as defined in the Building Code Volume 1 Part A1) by the Building Code Volume 1 Part C1.9;

remedial work means building work that is the renovation, alteration, improvement or repair of a building or an incidental structure.

- (2) For the purposes of the definition of ***applicable building standard*** in section 3, the building standards set out in subregulation (3) are prescribed as applicable building standards for the purposes of sections 19(3), 37(1) and (2) and 57(3) in respect of non-combustible external walls.
- (3) For subregulation (2), the applicable building standards are the requirements mentioned in regulation 31A(2), except to the extent that subregulations (4) to (6) provide otherwise.
- (4) A performance solution to the fire resistance performance requirement must not be used unless the performance solution is verified in accordance with CV3.
- (5) Despite subregulation (4), a performance solution to the fire resistance performance requirement that is used for exempt remedial work is not required to be verified in accordance with CV3.
- (6) The debris criteria do not need to be complied with if it can be shown that, in the event of a fire in the external walls, the debris —
 - (a) will not prevent the safe evacuation of the building's occupants; and

- (b) will not pose a risk to an officer or member of a permanent fire brigade as defined in the *Fire Brigades Act 1942* section 4(1).

10. Regulation 31J amended

After regulation 31J(2) insert:

- (3) Despite subregulation (2), a CodeMark certificate must not be used for a performance solution to the fire resistance performance requirement unless the performance solution is verified in accordance with CV3.

M. INGLIS, Clerk of the Executive Council.