

IS302

Building Act 2011

Building Amendment Regulations (No. 2) 2022

SL 2022/162

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Building Amendment Regulations (No. 2) 2022*.

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 1 May 2023.

3. Regulations amended

These regulations amend the *Building Regulations 2012*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definitions of:

Building Code

CV3

- (2) In regulation 3 insert in alphabetical order:

Building Code has the meaning given in regulation 3A;

CIV3 means the Building Code Volume One Part C1 verification method CIV3;

Swan Valley Planning Scheme means the Swan Valley Planning Scheme in force under the *Swan Valley Planning Act 2020*;

- (3) In regulation 3 in the definition of *Building Code pool barrier requirements*:

- (a) in paragraph (a) delete “performance requirement P2.7.1 in the Building Code Volume Two Part 2.7;” and insert:

the Building Code Volume Two Part H7 performance requirement H7P1; and

- (b) in paragraph (b) delete “performance requirement GP1.2(a) in the Building Code Volume One Part G1;” and insert:

the Building Code Volume One Part G1 performance requirement G1P2(1);

- (4) In regulation 3 in the definition of ***bush fire performance requirement***:

- (a) in paragraph (a) delete “performance requirement GP5.1; and” and insert:

Part G5 performance requirement G5P1; and

- (b) in paragraph (b) delete “performance requirement P2.7.5;” and insert:

Part H7 performance requirement H7P5;

- (5) In regulation 3 in the definition of ***fire resistance performance requirement*** delete “performance requirement CP2” and insert:

Part C1 performance requirement C1P2

- (6) In the provisions listed in the Table delete “Schedule 3” and insert:

Schedule 1

Table

r. 3 def. of <i>assessment method</i>	r. 3 def. of <i>performance requirement</i>
r. 3 def. of <i>performance solution</i>	r. 3 def. of <i>sole-occupancy unit</i>
r. 3 def. of <i>swimming pool</i>	

5. Regulation 3A replaced

Delete regulation 3A and insert:

3A. Building Code

- (1) *Building Code* means the Building Code of Australia which is Volumes One and Two of the National Construction Code, published by, or on behalf of, the Australian Building Codes Board.
- (2) Unless the contrary intention appears, a reference in these regulations to the Building Code is a reference to the Building Code as amended from time to time.

6. Regulation 15C amended

- (1) In regulation 15C(2) after “J0.2” insert:

(2019 edition)

- (2) In regulation 15C(3) after “3.12.0.1” insert:

(2019 edition)

7. Regulation 18A amended

Delete regulation 18A(1)(c) and insert:

- (c) if the certificate of design compliance is in respect of a Class 2 to Class 9 building or an incidental structure associated with such a building —
 - (i) a statement about each performance solution to a building standard that applies to the building work; and
 - (ii) details of the assessment methods set out in the Building Code Volume One Part A2 governing requirement A2G2 that were used to establish compliance with the building standard;

8. Regulation 18 amended

In regulation 18(2):

- (a) in paragraph (c) delete “regulations.” and insert:

regulations;

- (b) after paragraph (c) insert:
 - (d) if the building work involves the development of land that is subject to the Swan Valley Planning Scheme, any approval required under Part 9 of that Scheme.

9. Regulation 31A amended

- (1) In regulation 31A(2):
 - (a) in paragraph (b) delete “subject to subregulation (2A),”;
 - (b) in paragraph (b) delete “made; or” and insert:

made.
 - (c) delete paragraph (c).
- (2) Delete regulation 31A(2A) and (3) and insert:
 - (3) For the purposes of subregulation (2), the applicable building standards include the governing requirements set out in the Building Code.
 - (4) If the applicable building standards are set out in a superseded edition of the Building Code, a reference in these regulations to a Volume, Section, Part, Type, clause or Schedule of the Building Code is taken to be a reference to the corresponding Volume, Section, Part, Type, clause or Schedule of the superseded edition of the Building Code.

10. Regulation 31D amended

- (1) In regulation 31D(3):
 - (a) in paragraph (c)(i) delete “31A(2)(a), (b) or (c), subject to regulation 31A(2A) and (3); or” and insert:

31A(2)(a) or (b); or
 - (b) delete the Table and insert:

Table

Building Code Section or Part	Performance requirements
Volume One Part B1 — Structural provisions	B1P1, B1P2, B1P3, B1P4

Building Code Section or Part	Performance requirements
Volume One Part C1 — Fire resistance	C1P1, C1P2, C1P3, C1P4, C1P5, C1P6, C1P7, C1P8, C1P9
Volume One Part D1 — Access and egress	D1P2, D1P3, D1P4, D1P5, D1P6
Volume One Section E — Services and equipment	E1P1, E1P2, E1P3, E1P4, E1P5, E1P6, E2P1, E2P2, E4P1, E4P2, E4P3
Volume One Section G — Ancillary provisions	G2P1, G2P2, G5P1, G5P2
Volume Two Part H1 — Structure	H1P1, H1P2
Volume Two Part H3 — Fire safety	H3P1, H3P2
Volume Two Part H5 — Safe movement and access	H5P1, H5P2
Volume Two Part H7 — Ancillary provisions and additional construction requirements	H7P3, H7P5, H7P6

- (2) In regulation 31D(4) delete the Table and insert:

Table

Building Code Section or Part	Performance requirements
Volume One Section J — Energy efficiency	J1P1
Volume Two Part H6 — Energy efficiency	H6P1, H6P2

11. Regulation 31HA amended

(1) In regulation 31HA(1):

- (a) in the definition of *debris criteria* delete “CV3 —” and insert:

C1V3 —

- (b) in the definition of *external wall* delete “Schedule 3” and insert:

Schedule 1

- (c) in the definition of *non-combustible external wall* delete “Schedule 3) by the Building Code Volume One Part C1.9;” and insert:

Schedule 1) by the Building Code Volume One Part C2 deemed-to-satisfy provision C2D10;

(2) In regulation 31HA(4) and (5) delete “CV3.” and insert:

C1V3.

12. Regulation 31J amended

In regulation 31J(3) delete “CV3.” and insert:

C1V3.

13. Regulation 36 amended

In regulation 36(1)(e) delete “Scheme in force under the *Swan Valley Planning Act 2020*.” and insert:

Scheme.

14. Regulation 37 amended

In regulation 37(e) delete “Scheme in force under the *Swan Valley Planning Act 2020*.” and insert:

Scheme.

15. Schedule 3 amended

In Schedule 3 delete the Table and insert:

Table

Column 1 System to be tested	Column 2 When test to be conducted
Fire hose reel system required under E1P1 and E1P5	On completion of the installation of the system
Fire hydrant system required under E1P3 and E1P5	On completion of the installation of the system
Automatic fire suppression system required under E1P4	On completion of the installation of the system
Fire detection, warning, control and intercom systems required under E2P1 and E2P2	On completion of the installation of the system
Air handling systems that incorporate smoke control provisions required under E2P2	On completion of the building work
Smoke/heat venting systems required under E2P2	On completion of the installation of the system
Emergency warning and intercom systems required under E4P3	On completion of the installation of the system

N. HAGLEY, Clerk of the Executive Council.
