



Western Australia

Building Act 2011

Building Amendment Regulations (No. 2) 2025

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Building Amendment Regulations (No. 2) 2025

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Building Amendment Regulations (No. 2) 2025*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;
- (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

- (1) In regulation 3 delete the definitions of:
bushfire attack level (BAL)
bush fire performance requirement
- (2) In regulation 3 insert in alphabetical order:

BAL —

- (a) in relation to a building site, means the bushfire attack level for the building or incidental structure in relation to that building site, as a measure of the severity of the building's or

structure's potential exposure to attack by bush fire, determined in accordance with AS 3959;
and

- (b) if followed by a hyphen and group of letters or numbers, means the bushfire attack level of that particular rating determined in accordance with AS 3959;

bush fire performance requirement means —

- (a) the Building Code Volume One Part G5 performance requirement G5P1 in relation to the following —
 - (i) a Class 2 or Class 3 building;
 - (ii) a Class 10a building or deck if the building or deck is immediately adjacent or connected to a Class 2 building, a Class 3 building or a Class 9 vulnerable use building;
- and
- (b) the Building Code Volume One Part G5 performance requirements G5P1 and G5P2 in relation to a Class 9 vulnerable use building;
and
- (c) the Building Code Volume Two Part H7 performance requirement H7P5 in relation to the following —
 - (i) a Class 1 building;
 - (ii) a Class 10a building or deck if the building or deck is associated with a Class 1 building;

Class 9 vulnerable use building means any of the following buildings located in a bush fire prone area —

- (a) a Class 9a health-care building (as defined in the Building Code Volume One Schedule 1);

- (b) a Class 9b early childhood centre;
- (c) a Class 9b primary or secondary school;
- (d) a Class 9c residential care building (as defined in the Building Code Volume One Schedule 1);

early childhood centre means a building in an early childhood centre (as that term is defined in the Building Code Volume One Schedule 1);

primary or secondary school has the same meaning as in the Building Code;

5. Regulation 15D inserted

At the end of Part 2 insert:

15D. Modification to Building Code in relation to certain buildings and decks in bush fire prone areas (s. 150)

- (1) This regulation modifies the text of the Building Code.
- (2) The Building Code (2022 edition) Volume One Part G5 is modified to insert the following note at the beginning of that Part:

During the period beginning on 1 May 2025 and ending on 30 April 2028, compliance with the National Construction Code (the Building Code) (2019 edition) Volume One Amendment 1 Part G5 is taken to be compliance with this edition of the National Construction Code (the Building Code) Volume One Part G5 in relation to the following buildings or decks located in a *designated bushfire prone area* —

- (a) a Class 9b *early childhood centre*;
- (b) a Class 9b primary or secondary *school*;

- (c) a Class 10a building or deck if the building or deck is immediately adjacent or connected to a building referred to in paragraph (a) or (b).

Note for this regulation:

The Building Code (2022 edition) clause A1G4(3)(g) provides that a note is part of a provision or requirement in the Building Code and provides additional mandatory instructions.

6. Regulation 18A amended

- (1) In regulation 18A(1):

- (a) in paragraph (e) delete “Class 1, Class 2 or Class 3 building or an associated Class 10a building or deck that is, or is proposed to be, located less than 6 metres from the Class 1, Class 2 or Class 3 building —” and insert:

building or deck referred to in subregulation (1A) —

- (b) in paragraph (e)(ii) delete “and, in accordance with regulation 31BA(1) or 31D,” and insert:

and

- (2) At the end of regulation 18A(1) insert:

Note for this subregulation:

For the purposes of paragraph (e)(ii) see regulations 15D, 31BA(1) and 31D which affect the application of bush fire performance requirements to buildings and decks.

(3) After regulation 18A(1) insert:

- (1A) For the purposes of subregulation (1)(e), the buildings and decks are the following —
- (a) a Class 1, Class 2 or Class 3 building;
 - (b) a Class 9 vulnerable use building;
 - (c) a Class 10a building or deck if the building or deck is, or is proposed to be, located less than 6 m from a building referred to in paragraph (a) or (b).

7. Regulation 31BA amended

(1) In regulation 31BA(1A) in the definition of **relevant building** delete “building that” and insert:

building, or a Class 9 vulnerable use building, if the building

(2) In regulation 31BA(1A) in the definition of **renovation, alteration, extension, improvement or repair** delete “air conditioning” and insert:

cooling

(3) In regulation 31BA(1) in the Table:

(a) delete item 1(c) and insert:

(c) the building or incidental structure is or will be a Class 10a building or deck that —

- (i) is associated with a relevant building that is a Class 1 building;
or
 - (ii) is immediately adjacent or connected to a relevant building (other than a relevant building that is a Class 1 building).
- (b) delete item 2(c) and insert:
- (c) the building or incidental structure is a Class 10a building or deck that —
 - (i) is associated with a relevant building that is a Class 1 building;
or
 - (ii) is immediately adjacent or connected to a relevant building (other than a relevant building that is a Class 1 building).
- (c) delete item 3(c) and insert:
- (c) the building or incidental structure is a Class 10a building or deck that —

- (i) is associated with a relevant building that is a Class 1 building;
or
 - (ii) is immediately adjacent or connected to a relevant building (other than a relevant building that is a Class 1 building).
- (d) delete item 6(c) and insert:
 - (c) the building or incidental structure is a Class 10a building or deck that —
 - (i) is associated with a relevant building that is a Class 1 building;
or
 - (ii) is immediately adjacent or connected to a relevant building (other than a relevant building that is a Class 1 building).
- (4) In regulation 31BA(4):
 - (a) delete “had not been replaced by the” and insert:

were the definition that applied immediately before the commencement of the

- (b) delete “regulation 6(1) and (2)” and insert:

regulation 6

8. Regulation 31D amended

In regulation 31D(5) in the Table:

- (a) in the row relating to section 19(3) delete paragraph (b) and insert:
 - (b) the relocated building or incidental structure is or will be a Class 10a building or deck that —
 - (i) is associated with a relevant building that is a Class 1 building; or
 - (ii) is immediately adjacent or connected to a relevant building (other than a relevant building that is a Class 1 building).
- (b) in the row relating to section 37(1) delete paragraph (b) and insert:
 - (b) the relocated building or incidental structure is or will be a Class 10a building or deck that —
 - (i) is associated with a relevant building that is a Class 1 building; or
 - (ii) is immediately adjacent or connected to a relevant building

(other than a relevant building
that is a Class 1 building).

- (c) in the row relating to section 37(2) delete paragraph (b) and insert:
- (b) the relocated building or incidental structure is or will be a Class 10a building or deck that —
 - (i) is associated with a relevant building that is a Class 1 building; or
 - (ii) is immediately adjacent or connected to a relevant building (other than a relevant building that is a Class 1 building).

9. Regulation 31 amended

- (1) In regulation 31 delete the definitions of:
accredited person
transitional bush fire application
- (2) In regulation 31 in the definition of ***application*** paragraph (b) delete “application;” and insert:

application.

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

Term used: application

10. Regulation 32 amended

In regulation 32(1) delete “standard, other than a transitional bush fire application,” and insert:

standard

11. Regulation 32A deleted

Delete regulation 32A.

12. Regulation 34 amended

In regulation 34 delete “he or she” and insert:

the Building Commissioner

13. Regulation 36 amended

(1) In regulation 36(2):

(a) delete “57(2)(d)” and insert:

57(2)(d),

(b) in paragraph (aa) delete “or Class 3 building —” and insert:

building, a Class 3 building or a Class 9 vulnerable use building —

- (c) in paragraph (aa)(ii) delete “and, in accordance with item 4 of the Table to regulation 31BA(1),” and insert:

and

- (d) in paragraph (ba) delete “Class 1, Class 2 or Class 3 building or an associated Class 10a building or deck located less than 6 metres from the Class 1, Class 2 or Class 3 building —” and insert:

building or deck referred to in subregulation (3) —

- (e) in paragraph (ba)(ii) delete “and, in accordance with item 5 or 6 (as the case may be) of the Table to regulation 31BA(1),” and insert:

and

- (2) At the end of regulation 36(2) insert:

Notes for this subregulation:

1. For the purposes of paragraph (aa)(ii), see regulation 15D and regulation 31BA(1) Table item 4 which affect the application of bush fire performance requirements to buildings.
2. For the purposes of paragraph (ba)(ii), see regulation 15D and regulation 31BA(1) Table item 5 or 6 (as the case may be) which affect the application of bush fire performance requirements to buildings and decks.

(3) After regulation 36(2) insert:

- (3) For the purposes of subregulation (2)(ba), the buildings and decks are the following —
- (a) a Class 1, Class 2 or Class 3 building;
 - (b) a Class 9 vulnerable use building;
 - (c) a Class 10a building or deck if the building or deck is, or is proposed to be, located less than 6 m from a building referred to in paragraph (a) or (b).

14. Schedule 4 clause 2 amended

(1) In Schedule 4 clause 2 insert in alphabetical order:

item 13(d) building or incidental structure means any of the following —

- (a) a Class 1, Class 2 or Class 3 building;
- (b) a Class 10a building or deck if the building or deck is associated with a Class 1 building;
- (c) a Class 10a building or deck if the building or deck is immediately adjacent or connected to a Class 2 or Class 3 building;

item 13(e) building or incidental structure means any of the following —

- (a) a Class 9b early childhood centre;
- (b) a Class 9b primary or secondary school;
- (c) a Class 10a building or deck if the building or deck is immediately adjacent or connected to a building referred to in paragraph (a) or (b);

(2) In Schedule 4 clause 2 in the Table:

(a) in item 13(b) delete “building; or” and insert:

building (other than a Class 9 vulnerable use building); or

(b) delete item 13(c) and (d) and insert:

(c) the building or incidental structure is located in a bush fire prone area, the BAL for the building site is BAL-LOW and the building or structure is not any of the following —

(i) a Class 9 vulnerable use building;

(ii) a Class 10a building or deck immediately adjacent or connected to a Class 9 vulnerable use building;

or

(d) all of the following apply —

(i) the building or incidental structure is an item 13(d) building or incidental structure located in a bush fire prone area;

(ii) the BAL for the building site is BAL-12.5, BAL-19 or BAL-29;

(iii) the installation of the evaporative cooling unit complies with the requirements for roof penetration in respect of the building or incidental structure set out in AS 3959;

or

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- (e) both of the following apply —
 - (i) the building or incidental structure is an item 13(e) building or incidental structure located in a bush fire prone area;
 - (ii) the installation of the evaporative cooling unit commences on or before 30 April 2028;or
- (f) the building or incidental structure is a Class 10 building or incidental structure other than the following —
 - (i) a Class 10a building or deck if the building or deck is associated with a Class 1 building;
 - (ii) a Class 10a building or deck if the building or deck is immediately adjacent or connected to a Class 2 building, a Class 3 building or a Class 9 vulnerable use building.

N. HAGLEY, Clerk of the Executive Council