Western Australia

Building Act 2011

Building Regulations 2012

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Western Australia

Building Regulations 2012

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Defined terms

Building Act 2011

Building Regulations 2012

Part 1 — Preliminary

1. Citation

These regulations are the *Building Regulations 2012*.

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 the *Building Act 2011* Part 14 comes into operation.

3. Terms used

In these regulations —

approved barrier solution, in relation to a swimming pool, means a performance solution used to comply with a Building Code pool barrier requirement that has been approved in accordance with regulation 51 by the permit authority for the swimming pool;

AS followed by a designation refers to the Australian Standard having that designation that is published by Standards Australia as referenced in the relevant edition of the Building Code;

AS 1926.1-1993 means Australian Standard 1926 — Swimming pool safety Part 1: Fencing for swimming pools (1993 edition) incorporating Amendment No. 1 only;

AS 1926.1-2012 means Australian Standard 1926 — Swimming pool safety Part 1: Safety barriers for swimming pools (2012 edition);

AS 3959 means Australian Standard AS 3959 — Construction of buildings in bushfire-prone areas;

assessment method has the meaning given in the Building Code Volume One Schedule 1;

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;

builder work has the meaning given in the *Building Services (Registration) Regulations 2011* regulation 13(1);

Building Code has the meaning given in regulation 3A;

Building Code pool barrier requirement means a performance requirement set out in the Building Code that requires a barrier to be provided to a swimming pool that restricts access by young children to the swimming pool and its immediate surrounds;

building site, in relation to a building or incidental structure, means that part of a lot on which the building or incidental structure stands or is to be constructed;

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;

bush fire prone area means an area of the State designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area;

business day means a day other than a Saturday, a Sunday or a public holiday;

C1V3 means the Building Code Volume One Part C1 verification method C1V3;

Class, followed by a number or a number and a letter, refers to the classification of a building or incidental structure under regulation 6;

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);

commencement day has the meaning given in section 176;

deemed-to-satisfy solution has the meaning given in the Building Code Volume One;

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

estimated value, in relation to building work, means the value of the work estimated in accordance with Schedule 1;

FES Commissioner has the meaning given in the *Fire and Emergency Services Act 1998* section 3;

fire resistance performance requirement means a requirement that is part of the Building Code Volume One Part C1 performance requirement C1P2 if the purpose of the requirement is to avoid the spread of fire via an external wall of a building;

former provisions has the meaning given in section 176;

heritage works permit means a works permit under the *Heritage Act 2018* section 79;

local planning scheme means a local planning scheme in force under the *Planning and Development Act 2005*;

performance requirement has the meaning given in the Building Code Volume One Schedule 1;

performance solution has the meaning given in the Building Code Volume One Schedule 1;

pre-May 2016 private swimming pool means a private swimming pool —

(a) installed before 1 May 2016; or

(b) installed on or after 1 May 2016 in accordance with plans, drawings and specifications submitted to a permit authority for approval before that day;

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

private swimming pool —

(a) means a swimming pool that —

(i) is associated with a Class 1a building, or less than 30 sole-occupancy units in a Class 2 building, or a Class 4 part of a building; and

(ii) has the capacity to contain water that is more than 300 mm deep;

and

(b) includes a spa-pool; but

(c) does not include a spa-bath;

protection order has the meaning given in the *Heritage Act 2018* section 4;

relevant edition of the Building Code, in relation to a building, incidental structure, building work or application, means the edition of the Building Code referred to in Part 4 Division 1 as setting out the building standards that apply as applicable building standards to the building, incidental structure, building work or application;

repair notice has the meaning given in the *Heritage Act 2018* section 63;

repair order has the meaning given in the *Heritage Act 2018* section 65(1);

section means section of the Act;

sole-occupancy unit has the meaning given in the Building Code Volume One Schedule 1;

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

swimming pool has the meaning given in the Building Code Volume One Schedule 1;

townsite means a townsite constituted under the *Land Administration Act 1997* section 26(2).

[Regulation 3 amended: Gazette 30 Nov 2012 p. 5782; 7 Dec 2015 p. 4897; 5 Apr 2016 p. 1015-16; 15 Apr 2016 p. 1165-6; 8 Aug 2017 p. 4343 and 4345; 22 Dec 2017 p. 5975; 5 Oct 2018 p. 4013; 26 Mar 2019 p. 944 and 946; SL 2021/42 r. 4; SL 2022/162 r. 4; SL 2023/208 r. 4 and 8; SL 2024/49 r. 4; SL 2025/62 r. 4.]

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.

[Regulation 3A inserted: SL 2022/162 r. 5.]

Part 2 — General matters

4. Approval of manner or form of things (s. 3)

For the purposes of paragraph (a) of the definition of ***approved*** in section 3 the Building Commissioner is a person who may approve the things set out in the Table.

Table

Section	**Description**
s. 16(a)	The manner and form of an application for a building permit or a demolition permit
s. 19(2)	The form of a certificate of design compliance
s. 25(1)	The form of a building permit or a demolition permit
s. 33(2)(a)	The form of a notice of completion
s. 34(2)(a)	The form of a notice of cessation
s. 39(8)	The manner and form of an application for a declaration
s. 54(1)(a)	The manner and form of an application for an occupancy permit or a building approval certificate
s. 56(1)	The form of a certificate of construction compliance
s. 57(1)	The form of a certificate of building compliance

Section	Description
s. 61(1)	The form of an occupancy permit or modification or a building approval certificate
s. 65(2)(a)	The manner and form of an application to extend the period of duration of certain occupancy permits or building approval certificates
s. 85(1)(a)	The form of a notice about effect on other land
s. 85(1)(i)	The form of a response notice to accompany a notice about effect on other land
s. 110(2)	The form of a building order
s. 128(2)	The manner and form in which a register is to be kept

4A. Authorised persons (s. 93(2)(d))

(1) In this regulation —

specified Part 8 provisions, in relation to a designation under subregulation (2), means provisions of Part 8 that are specified in the designation.

(2) A local government may, by instrument in writing, designate a person as an authorised person to inspect or test existing buildings located in the district of the local government for the purpose of monitoring whether specified Part 8 provisions are being complied with.

(3) A person may be designated under subregulation (2) for a fixed or indefinite period.

(4) A local government may, by instrument in writing, revoke a designation under subregulation (2) at any time.

[Regulation 4A inserted: SL 2023/208 r. 5.]

4B. Identity cards

(1) A local government must give an identity card to each person designated by it as an authorised person under regulation 4A.

(2) The identity card must —

(a) identify the person as an authorised person under regulation 4A; and

(b) contain a recent photograph of the person.

(3) The person must carry the identity card at all times when performing functions or exercising powers as an authorised person under regulation 4A.

(4) The person must, within 14 days of ceasing to be an authorised person under regulation 4A, return the identity card to the local government.

Penalty for this subregulation: a fine of $5 000.

(5) Subregulation (4) does not apply if the person has a reasonable excuse.

[Regulation 4B inserted: SL 2023/208 r. 5.]

*[**5A.** Deleted: SL 2023/208 r. 5.]*

5. Building surveyors (s. 3)

For the purposes of the definition of ***building surveyor*** in section 3, a class of building service practitioner listed in an item in the Table is prescribed in respect of a type of building or incidental structure corresponding to the same item.

Table

Item	Class of building service practitioner	Type of building
1.	Building surveying practitioner level 1	Any type of building or incidental structure.
2.	Building surveying practitioner level 2	A Class 1 or Class 10 building or incidental structure. A Class 2 to Class 9 building or incidental structure — (a) with a floor area not exceeding 2 000 m^2; and (b) not higher than 3 storeys.
3.	Building surveying practitioner technician	A Class 1 or Class 10 building or incidental structure. A Class 2 to Class 9 building or incidental structure — (a) with a floor area not exceeding 500 m^2; and (b) not higher than 2 storeys.

[Regulation 5 amended: Gazette 8 Aug 2017 p. 4344.]

6A. Building work (s. 3)

For the purposes of paragraph (f) of the definition of ***building work*** in section 3, the installation of a roof mounted evaporative cooling unit on a building or incidental structure is prescribed work.

[Regulation 6A inserted: Gazette 5 Apr 2016 p. 1016.]

6. Classification of buildings and incidental structures (s. 3)

For the purposes of the definition of ***classification*** in section 3, a building or incidental structure has the classification that it has under the Building Code.

*[**7-9.** Deleted: Gazette 18 Dec 2012 p. 6556.]*

10. Owners of land (s. 5(1))

(1A) In this regulation —

managed reserve has the meaning given in the *Land Administration Act 1997* section 3(1);

management body has the meaning given in the *Land Administration Act 1997* section 3(1);

road has the meaning given in the *Land Administration Act 1997* section 3(1);

strata leasehold estate has the meaning given in the *Strata Titles Act 1985* section 3(1).

(1) For the purposes of paragraph (c) of the definition of ***owner***, in relation to land held in freehold or held in leasehold under a strata lease in section 5(1) the following interests are prescribed —

(a) a leasehold interest in the land if the terms of the lease allow the lessee to undertake building work without the consent of each person whose name is registered as a proprietor of the land;

(b) an interest as purchaser under a contract to purchase an estate in fee simple in the land or a strata leasehold estate in the land under a strata lease;

(c) a freehold interest in the land or a strata leasehold estate in the land under a strata lease vested in an executor or administrator under the *Administration Act 1903* section 8.

(2A) Despite subregulation (1), for the purposes of section 54(1)(b) in relation to an application mentioned in section 51(2) or (3), ***owner***, in relation to land held in freehold or held in leasehold under a strata lease, means —

(a) a person whose name is registered as a proprietor of the land; and

(b) the State, if registered as a proprietor of the land; and

(c) an executor or administrator under the *Administration Act 1903* section 8 in whom is vested a freehold interest in the land or a strata leasehold estate in the land under a strata lease.

(2) For the purposes of paragraph (a) of the definition of ***owner*** in relation to Crown land in section 5(1), the following persons are prescribed —

(a) in relation to a managed reserve — the management body of the reserve;

(b) in relation to a road — whichever of the following persons who, under a written law, has the care, control and management of the road —

(i) the local government in whose district the road is situated;

(ii) the Commissioner of Main Roads;

(iii) the Minister as defined in the *Public Works Act 1902* section 2;

(c) in relation to Crown land that is vested in a person or body under a written law other than the *Land Administration Act 1997* — that person or body;

(d) in relation to Crown land that is subject to a lease, other than land referred to in paragraph (a), (b) or (c) — the Minister for Lands and the lessee;

(e) in relation to any other Crown land — the Minister for Lands.

[Regulation 10 amended: Gazette 18 Dec 2012 p. 6556-7;15 Sep 2015 p. 3783-4; 31 Dec 2019 p. 4638-9.]

11A. Restriction on circumstances where person treated as owner (s. 5(2))

(1) For the purposes of section 16(b), in the circumstances where a person who holds an interest referred to in regulation 10(1)(a) has signed an application in respect of land on which a building or incidental structure is, or is proposed to be, located no other person is to be treated as the owner of the land.

(2) For the purposes of section 16(b), in the circumstances where a person who holds an interest referred to in regulation 10(1)(b) has signed an application in respect of land on which a building or incidental structure is, or is proposed to be, located no other person is to be treated as the owner of the land.

[Regulation 11A inserted: Gazette 15 Jun 2012 p. 2513.]

11. Fees

(1) The fee for an application of a kind mentioned in an item set out in Schedule 2 is the fee specified in that item in relation to the application.

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

[Regulation 11 amended: Gazette 7 Feb 2017 p. 1160.]

12. Building records to be kept (s. 130)

For the purposes of section 130, the following documents are prescribed —

(a) the certificate of design compliance, including the plans and specifications that are specified in the certificate, relating to an application for a building permit;

(b) the certificate of construction compliance that accompanies an application of a kind mentioned in section 46 or 47;

(c) the certificate of building compliance that accompanies an application of a kind mentioned in Part 4 Division 2 of the Act, other than an application of a kind mentioned in section 46 or 47;

(d) the notice of completion given under section 33(1) in relation to a building permit;

(e) if a notice of cessation in relation a building permit is given under section 34(1), the notice of cessation.

13. Inspection, copies of building records (s. 131)

For the purposes of paragraph (c) of the definition of ***interested person*** in section 131(1) the following classes of persons are prescribed —

(a) a police officer in the course of duty in connection with a situation in which the safety of a person is at risk;

(b) a member of staff as defined in the *Fire and Emergency Services Act 1998* section 3 in the course of duty in connection with a situation in which the safety of a person is at risk.

[Regulation 13 amended: Gazette 30 Nov 2012 p. 5782.]

14. Provision of information to Building Commissioner (s. 132)

(1) For the purposes of section 132(1) a permit authority must give the Building Commissioner the following information, in respect of the period covered by an annual report —

(a) the number of building permits, demolition permits and occupancy permits granted by the permit authority;

(b) the number of building approval certificates granted by the permit authority;

(c) the total estimated value of building work for which building permits were granted by the permit authority;

(d) the number of building orders made by the permit authority;

(e) the number of prosecutions for an offence against the Act commenced by the permit authority;

(f) the number and outcome of prosecutions commenced by the permit authority that have been finalised in the period.

(2) For the purposes of section 132(3) information requested under section 132(2) must be provided to the Building Commissioner electronically.

14A. Confidentiality exceptions (s. 146)

(1) In this regulation —

permit authority means a permit authority for a building or permit authority for an incidental structure, as those terms are defined in section 3;

Statistician has the meaning given in the *Census and Statistics Act 1905* (Commonwealth) section 3;

WorkSafe Commissioner means the person appointed under the *Work Health and Safety Act 2020* Schedule 1 Division 1.

(2) This regulation applies for the purposes of section 146(e).

(3) Information obtained from a local government in relation to permits referred to in the *Work Health and Safety (General) Regulations 2022* regulation 315A may be disclosed to the regulator.

(4) Information obtained from a permit authority in relation to the matters prescribed by the *Census and Statistics Regulation 2016* (Commonwealth) regulation 13 items 10 and 41 may be disclosed to the Statistician.

[Regulation 14A inserted: Gazette 2 Aug 2019 p. 2991; amended: SL 2022/26 r. 4.]

15A. Provision of information to FES Commissioner (s. 149)

(1) Within 10 days of receiving the FES Commissioner's advice in respect of plans and specifications provided under regulation 18B(1), the building surveyor must notify the FES Commissioner in writing of —

(a) any part of the FES Commissioner's advice that is not incorporated in the plans and specifications that are specified in the certificate of design compliance for the building; and

(b) the reasons for not incorporating that advice.

(2) The permit authority that grants an occupancy permit for a building in respect of which plans and specifications were provided to the FES under regulation 18B(1) must give to the FES Commissioner a copy of the occupancy permit.

(3) The permit authority that modifies an occupancy permit referred to in subregulation (2) must give to the FES Commissioner a copy of the form of modification.

[Regulation 15A inserted: Gazette 18 Dec 2012 p. 6557; amended: Gazette 24 Apr 2014 p. 1135.]

15B. Modifications to AS 1926.1-2012 (s. 150)

For the purposes of these regulations, AS 1926.1-2012 as referenced in the Building Code —

(a) is modified to delete clause 2.2.4 and insert:

2.2.4 Boundary barriers

A boundary barrier to a pool must satisfy either paragraph (a) or paragraph (b):

(a) A boundary barrier satisfies this paragraph if —

(i) it has a height on the inside of not less than 1800 mm; and

(ii) it has NCZ-5 formed as a quadrant of 900 mm radius down from the top of the inside of the barrier (see Figure 2.2(a)), subject to the qualification that NCZ 5 is not invalidated by the intersection of a compliant internal barrier if —

(I) where the width of the top rail or surface of the internal barrier is not more than 50 mm wide at any point within NCZ 5 — the internal barrier intersects at an angle of between 45 and 135 degrees to the 1800 mm boundary barrier (see Figure 2.2(b)); or

(II) where the width of the top rail or surface of the internal barrier is greater than 50 mm at any point within NCZ 5 — the internal barrier has a height not less than 1800 mm extending not less than 900 mm from the intersection (see Figure 2.2(c)).

(b) A boundary barrier satisfies this paragraph if —

(i) it has a height on the outside (the non-pool side) of not less than 1200 mm; and

(ii) within 500 mm of the outside of the boundary barrier there are no steps, retaining walls, objects or level changes that would reduce the height of the outside of the boundary barrier below 1200 mm; and

(iii) NCZ 1, 2, 3 and, if the boundary barrier has vertical openings of 10-100 mm in width, NCZ 4 (as described in clause 2.2.2) are present on the boundary barrier.

(b) is modified in clause 2.3.5(a) to insert after "plane":

and vertical members are spaced to provide a clear opening of not more than 10 mm

(c) is modified in Figure 2.6 to delete "100 mm" and insert:

10 mm

[Regulation 15B inserted: SL 2023/208 r. 6.]

15C. Modifications to Building Code (s. 150)

(1) This regulation modifies the text of the Building Code.

(2) The Building Code Volume One Part J0.2 (2019 edition) is modified to delete paragraph (a) and insert:

(a) for reducing the heating or cooling loads —

(i) collectively achieve an average energy rating of not less than 6 stars; and

(ii) individually achieve an energy rating of not less than 5 stars,

using *house energy rating software*; and

(3) The Building Code Volume Two Part 3.12.0.1 (2019 edition) is modified as follows —

(a) in paragraph (a) delete "A building must achieve an energy rating, including the separate heating and cooling load limits, using *house energy rating software*, of greater than or equal to—" and insert:

To reduce heating or cooling loads, a building must achieve an energy rating, using *house energy rating software*, of not less than—

(b) delete paragraph (b).

(4) The Building Code (2022 and 2025 editions) Volume One Part J3 is modified to delete clause J3D3(2) and insert:

(2) Energy ratings referred to in (1)(a)(i) and (ii) must be achieved using *house energy rating software*.

(5) The Building Code (2022 and 2025 editions) Volume Two Specification 42 clause S42C2(1) is modified to delete ", including the separate heating and cooling load limits,".

(6) The Building Code (2022 edition) Volume One Part F8 Notes are modified as follows —

(a) delete "30 September 2023" and insert:

30 April 2025

(b) delete "1 October 2023" and insert:

1 May 2025

(7) The Building Code (2022 and 2025 editions) Volume One is modified to delete Part G7.

(8) The Building Code (2022 edition) Volume One in the Notes in Parts J1 to J9 is modified as follows —

(a) delete "30 September 2023" (each occurrence) and insert:

30 April 2025

(b) delete "1 October 2023" (each occurrence) and insert:

1 May 2025

(9) The Building Code (2022 edition) Volume Two Part H4 clause H4D9 Notes are modified as follows —

(a) delete "30 September 2023" and insert:

30 April 2025

(b) delete "1 October 2023" and insert:

1 May 2025

(10) The Building Code (2022 edition) Volume Two Part H6 Notes are modified as follows —

(a) delete "30 September 2023" and insert:

30 April 2025

(b) delete "1 October 2023" and insert:

1 May 2025

(11) The Building Code (2022 and 2025 editions) Volume Two is modified to delete Part H8.

Note for this regulation:

The Building Code (2022 and 2025 editions) clause A1G4(3)(g) provides that a note is part of a provision or requirement in the Building Code and provides additional mandatory instructions.

[Regulation 15C inserted: SL 2020/28 r. 4; amended: SL 2022/162 r. 6; SL 2023/146 r. 4(1); SL 2023/146 r. 4(2); SL 2026/44 r. 4.]

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 and 2025 editions) 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 and 2025 editions) clause A1G4(3)(g) provides that a note is part of a provision or requirement in the Building Code and provides additional mandatory instructions.

[Regulation 15D inserted: SL 2025/62 r. 5; amended: SL 2026/44 r. 5.]

Part 3 — Building and demolition permits

15. Uncertified applications (s. 14(2))

For the purposes of section 14(2)(a) and (b), buildings and incidental structures of the following classifications are prescribed —

(a) Class 1a;

(b) Class 10.

16. Application for building and demolition permits (s. 16)

(1) For the purposes of section 16(d), the following information about a building or incidental structure is prescribed —

(a) the address of the property on which the building or incidental structure is, or is to be, located;

(b) if the application is an application for a building permit, the intended use of the building or incidental structure;

(c) if the application is an application for a demolition permit —

(i) the classification of the building or incidental structure; and

(ii) the occupancy permit number (if any) of the building or incidental structure.

(2) For the purposes of section 16(d), the following information about the person who proposes to be named as the builder on the building permit, or as the demolition contractor on the demolition permit is prescribed —

(a) the postal address of the person;

(b) the telephone number or other contact details for the person;

(c) if the application is an application for a building permit to carry out builder work —

(i) the registration number of the person as a building service contractor under the *Building Services (Registration) Act 2011*; or

(ii) the number of the owner-builder approval given under the *Building Services (Registration) Act 2011*.

(3) For the purposes of section 16(m), the following things must accompany an application —

(a) evidence that the relevant consents, or court orders, have been obtained under Part 6 Division 3 of the Act if the plans and specifications accompanying an uncertified application or the plans and specification specified in the certificate of design compliance accompanying a certified application show that —

(i) part of a building or structure will be placed into, onto or over land beyond the boundaries of the work area; or

(ii) land beyond the boundaries of the work area will be adversely affected;

(b) if the application is a certified application for a building permit, evidence that each authority referred to in regulation 18(2) that is relevant to the building work has been obtained and is in force;

(c) if the application is in respect of a Class 1 or Class 10 building or incidental structure, details of each performance solution to a building standard that is proposed to be used in the building work;

(d) if the application is an application for a demolition permit, evidence of the following —

(i) that the approval referred to in regulation 19(1) (if relevant) has been obtained and is in force;

(ii) that the notifications referred to in regulation 19(2) (if relevant) have been given.

[Regulation 16 amended: Gazette 8 Aug 2017 p. 4345.]

17. Further information (s. 18(3) and (4))

(1) For the purposes of section 18(3), a requirement under section 18(1) —

(a) must be in writing; and

(b) must be clearly identified as a requirement under section 18(1); and

(c) must set out the specified time mentioned in section 18(1) and when it commences; and

(d) must indicate the consequences under section 18(2) of not complying with the requirement within the specified time; and

(e) must specify the information, if any, that the applicant must verify by statutory declaration; and

(f) must state the period within which the permit authority must decide whether or not to grant the building or demolition permit in the event that the applicant complies with the requirement within the specified time.

(2) For the purposes of section 18(4), only one set of requirements may be made in relation to an application.

[Regulation 17 inserted: Gazette 18 Dec 2012 p. 6558.]

18A. Certificate of design compliance — contents (s. 19(5))

(1) For the purposes of section 19(5), a certificate of design compliance must contain the following things —

(a) a statement by the building surveyor signing the certificate identifying the edition of the Building Code that contained the requirements mentioned in regulation 31A(2) applied by the building surveyor in respect of the building or incidental structure;

(b) if a declaration under section 39 has been made in respect of the building that is the subject of the application, a statement to that effect;

(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;

(d) if the certificate of design compliance is in respect of a Class 2 to Class 9 building —

(i) details of any advice given by the FES Commissioner in respect of the plans and specifications provided under regulation 18B(1); and

(ii) details of any notification given by the building surveyor to the FES Commissioner under regulation 15A(1);

(e) if the certificate of design compliance is in respect of a building or deck referred to in subregulation (1A) —

(i) a statement about whether the building or deck is, or is proposed to be, located in a bush fire prone area; and

(ii) if the building or deck is, or is proposed to be, located in an area that is a bush fire prone area and a bush fire performance requirement applies

to the building or deck — the additional information referred to in subregulation (2).

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.

(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).

(2) For the purposes of subregulation (1)(e)(ii), the additional information is —

(a) in all cases —

(i) the BAL for the building site; or

(ii) if another measure has been used to assess compliance with a bush fire performance requirement — details of the measure used and the results of that assessment;

and

(b) in the case of a Class 1 building —

(i) a statement about each performance solution to the bush fire performance requirement that is proposed to be used; and

(ii) details of the assessment method used to establish compliance with that requirement.

[Regulation 18A inserted: Gazette 18 Dec 2012 p. 6559; amended: Gazette 5 Apr 2016 p. 1016-17; 8 Aug 2017 p. 4345; SL 2020/46 r. 4; SL 2021/42 r. 5; SL 2022/162 r. 7; SL 2025/62 r. 6.]

18B. Certificate of design compliance — preliminary action (s. 19(6))

(1) For the purposes of section 19(6), at least 15 business days before signing a certificate of design compliance in respect of a Class 2 to Class 9 building, a building surveyor must provide to the FES Commissioner plans and specifications for the building in sufficient detail to allow assessment of compliance with the FES Commissioner's operational requirements.

(2) A building surveyor does not have to comply with subregulation (1) if —

(a) the certificate is in respect of a stand-alone single storey Class 5, 6, 7 or 8 building having a total floor area of 500 m^2 or less; and

(b) no performance solution is proposed to a building standard that relates to a performance requirement in the Building Code relating to fire safety.

(3) A building surveyor does not have to comply with subregulation (1) if —

(a) the certificate is in respect of a Class 2 to Class 9 building that is being renovated, altered, improved or repaired; and

(b) no performance solution is proposed to a building standard that relates to a performance requirement in the Building Code relating to fire safety.

(4) A building surveyor does not have to comply with subregulation (1) if —

(a) the certificate is in respect of a stage of building work to a Class 2 to Class 9 building; and

(b) the following provisions of the Building Code Volume One do not apply to that stage —

(i) Section C concerning fire resistance;

(ii) Section E Part E1 concerning fire fighting equipment;

(iii) Section E Part E2 concerning smoke hazard management.

[Regulation 18B inserted: Gazette 18 Dec 2012 p. 6560-1; amended: Gazette 8 Aug 2017 p. 4345; 26 Mar 2019 p. 946.]

18C. Certificate of design compliance — things to accompany (s. 149)

(1) It is sufficient compliance with regulation 18A(d)(i) to attach to the certificate of design compliance a copy of the advice given by the FES Commissioner.

(2) It is sufficient compliance with regulation 18A(d)(ii) to attach to the certificate of design compliance a copy of the notification.

[Regulation 18C inserted: Gazette 18 Dec 2012 p. 6561.]

18. Grant of building permit (s. 20)

(1) For the purposes of section 20(1)(b), building work that is not builder work is specified.

(2) For the purposes of section 20(1)(n), the following authorities under written laws are prescribed —

(a) if the building work involves the construction or installation of any apparatus for the treatment of sewage as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3(1), the approval required under section 107(2)(a) or (b) of that Act;

(b) if the building work is development as defined in the *Planning and Development Act 2005* section 4, each approval required under that Act in relation to the work;

(c) if the building work involves the construction, alteration or extension of an aquatic facility as defined in the *Health (Aquatic Facilities) Regulations 2007*

regulation 4, the approval required under Part 2 Division 1 of those regulations;

(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.

[(3) deleted]

(4) For the purposes of section 20(1)(s), it is a requirement that if the application relates to building work for a Class 2 to Class 9 building the applicant has deposited with the FES Commissioner the plans and specifications specified in the certificate of design compliance accompanying the application unless the building surveyor does not have to comply with regulation 18B(1) because of regulation 18B(2), (3) or (4).

[Regulation 18 amended: Gazette 15 Jun 2012 p. 2514; 30 Nov 2012 p. 5783; 18 Dec 2012 p. 6561; 10 Jan 2017 p. 182; SL 2022/162 r. 8; SL 2024/49 r. 5.]

19. Grant of demolition permit (s. 21)

(1) For the purposes of section 21(1)(j), if the demolition work is development as defined in the *Planning and Development Act 2005* section 4, each approval required under that Act in relation to the work is prescribed.

(2) For the purposes of section 21(1)(n) the following notifications are prescribed —

[(a) deleted]

(b) the notification required under the *Work Health and Safety (General) Regulations 2022* regulation 142F;

(c) notification of the intended demolition work to each person who provides electricity or gas services to the place that is the subject of the application.

(3) For the purposes of section 21(1)(o) it is a requirement for the granting of a demolition permit that the applicant has provided

evidence to the local government of the local government district in which the demolition work is to be carried out that the building or incidental structure to be demolished has been treated so as to ensure that it is not infested by rodents at the time of the demolition.

[Regulation 19 amended: Gazette 8 Aug 2017 p. 4344; SL 2022/26 r. 5; SL 2024/49 r. 6.]

20. Time for deciding application for building or demolition permit (s. 23)

(1) For the purposes of section 23(1)(a), the period for buildings of all classifications is —

(a) if the application relates to development as defined in the *Planning and Development Act 2005* section 4 and a planning scheme or interim development order that has effect under that Act provides that the development is not to be commenced or carried out without an approval being obtained upon the making of a development application —

(i) 25 business days, excluding any day that is after the day on which the development application is made and before the day on which that application is determined; or

(ii) such longer period as is agreed in writing between the applicant and the permit authority;

and

(b) otherwise, 25 business days, or such longer period as is agreed in writing between the applicant and the permit authority.

(2) For the purposes of section 23(2)(a), the period for buildings of all classifications is 10 business days, or such longer period as is

agreed in writing between the applicant and the permit authority.

[Regulation 20 amended: Gazette 15 Jun 2012 p. 2514-15.]

21. Form and content of building permit (s. 25)

For the purposes of section 25(3)(e), the following details about the builder are prescribed —

(a) the name of the builder;

(b) if the building permit is for builder work —

(i) the registration number of the builder as a building service contractor under the *Building Services (Registration) Act 2011*; or

(ii) the number of the owner-builder approval given to the builder under the *Building Services (Registration) Act 2011*.

22. Form and content of demolition permit (s. 25)

For the purposes of section 25(4)(c), the following details about the demolition contractor are prescribed —

(a) the name of the contractor;

(b) if a licence has been issued to the contractor under the *Work Health and Safety (General) Regulations 2022* regulation 142R(3) — the number of that licence.

[Regulation 22 amended: SL 2022/26 r. 6.]

*[**23A.** Deleted: Gazette 21 Jun 2013 p. 2446.]*

23. Application to extend time during which permit has effect (s. 32)

(1) In this regulation —

expiry day, in relation to a permit, means the day on which the permit ceases to have effect.

(2) An application to extend the time during which a permit has effect —

(a) must be made to the relevant permit authority in a manner and form approved by the Building Commissioner; and

(b) must set out —

(i) the reference number of the permit; and

(ii) the grounds for requesting the extension; and

(iii) the period for which the extension is sought.

(3) A permit authority may, by written notice, refuse to accept an application made after the expiry day for the permit if —

(a) the permit authority is satisfied that the delay in making the application was unreasonable in the circumstances; or

(b) the application is made more than 12 months after the expiry date for the permit.

(4) If an application is made before the expiry day for a permit and has not been determined by the expiry day, the permit continues to have effect on and from expiry day —

(a) until the permit authority extends, or refuses to extend the time during which the permit has effect; or

(b) until the applicant withdraws the application or gives notice of completion in relation to the permit,

except for any period when the permit does not have effect under section 35.

(5) If an application made after the expiry date for a permit is accepted by the permit authority, the permit is to be taken to have had effect on and from the day immediately following the expiry day —

(a) until the permit authority extends, or refuses to extend, the time during which the permit has effect; or

(b) until the applicant withdraws the application or gives notice of completion in relation to the permit,

except for any period when the permit does not have effect under section 35.

24. Extension of time during which permit has effect (s. 32(3))

(1) The relevant permit authority may extend the time during which a permit has effect if the permit authority is satisfied that —

(a) the work, or stage of work, for which the permit was granted has not been completed; or

(b) the extension is necessary to allow rectification of defects in the work, or the stage of work, for which the permit was granted.

(2) If a relevant permit authority extends the time during which a permit has effect the permit authority may impose any condition on the permit that the permit authority could have imposed under section 27.

25. Review of decision to refuse to extend time during which permit has effect (s. 32(3))

A person who applies for the extension of the time during which a permit has effect may apply to the State Administrative Tribunal for a review of the decision of the permit authority —

(a) to refuse to accept an application made after the day on which the permit ceases to have effect; or

(b) to refuse to extend the time during which the permit has effect; or

(c) in relation to a condition imposed on the permit when the permit authority extends the time during which the permit has effect.

26. Approval of new responsible person (s. 35(c))

(1) For the purposes of section 35(c), the owner of a building or incidental structure to which a permit applies may apply to the relevant permit authority for approval of a new responsible person for the work to which the permit applies if the permit does not have effect for a reason mentioned in section 35(a) or (b).

(2) An application must name, and be signed by, the new person who proposes to be named —

(a) as the builder on the building permit; or

(b) the demolition contractor on the demolition permit.

(3) On an application under subregulation (1), a permit authority must —

(a) approve a new person to be named as the builder on the building permit if the permit authority is satisfied of the matters mentioned in section 20(1)(b)(i) to (iii) in relation to the person; or

(b) approve a new person to be named as the demolition contractor on the demolition permit if the permit authority is satisfied of the matters mentioned in section 21(1)(b) in relation to the person.

(4) If a permit authority approves a new responsible person in relation to a permit, the permit authority must amend the details set out in the permit accordingly.

[Regulation 26 amended: Gazette 18 Dec 2012 p. 6562.]

27. Required inspection and tests: Class 2 to Class 9 buildings (s. 36(2)(a))

(1) Inspections and tests that are to be conducted during or at the completion of building work for a Class 2 to Class 9 building are tests to assess compliance with the building standards of each system referred to in column 1 of the Table in Schedule 3

that is required by the building standards to be installed in the building.

(2) The inspections and tests are to be conducted at the time set out in respect of the system in column 2 of the Table in Schedule 3.

*[**28.** Deleted: SL 2023/208 r. 9.]*

29. Inspection certificates (s. 36(2)(h) and (j))

(1) A person who conducts an inspection or test referred to in regulation 27 must complete an inspection certificate in respect of the inspection or test that contains the following information —

(a) the number of the building permit for the building work inspected or tested;

(b) a description of the purpose, extent and outcome of the inspection or test;

(c) the date and time the inspection or test was conducted;

(d) the name, contact details and qualifications of the person conducting the inspection or test;

(e) any other document or other evidence of the outcome of the inspection or test that the person conducting the inspection or test considers relevant.

(2) The person who completes an inspection certificate in respect of an inspection or test must provide the certificate to the person named as the builder on the building permit as soon as is reasonably practicable.

[Regulation 29 amended: SL 2023/208 r. 10.]

30. Transitional provisions (s. 203)

(1) Section 17 applies in respect of an application for a building licence that is to be taken to be an application for a building permit under section 178(4) as if the application were an uncertified application.

(2) Section 23(1) applies in respect of an application for a building licence that is to be taken to be an application for a building permit under section 178(4) as if the application was an uncertified application made on commencement day.

Part 4 — Building standards

Division 1 — Applicable building standards

[Heading inserted: Gazette 18 Dec 2012 p. 6562.]

Subdivision 1 — Building standards in relation to construction

[Heading inserted: Gazette 18 Dec 2012 p. 6562.]

31A. Applicable building standards generally (s. 3, 19(3) and 37(1))

(1) For the purposes of the definition of ***applicable building standard*** in section 3, the building standards set out in subregulation (2) are prescribed as applicable building standards for the purposes of sections 19(3) and 37(1) in respect of all kinds of buildings and incidental structures, except to the extent that regulations 31BA, 31C, 31D and 31HA otherwise provide.

(2) For subregulation (1), the applicable building standards for a building or incidental structure are the requirements in relation to the technical aspects of the construction of a building or incidental structure of that building or incidental structure's classification that are —

(a) set out in the edition of the Building Code that is in effect at the time the application for the building permit is made; or

(b) set out in the edition of the Building Code that was in effect 12 months before the time the application for the building permit is made.

[(c) deleted]

(2A) Subregulation (2)(b) does not apply to the building standards set out in the Building Code (2025 edition) Volume One Part G5 as modified by regulation 15D(2).

(3) For the purposes of subregulation (2), the applicable building standards include the governing requirements set out in the relevant edition of the Building Code.

(4) If the applicable building standards are set out in an earlier edition (the ***earlier edition***) of the Building Code than the edition that was last adopted, 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 earlier edition.

[Regulation 31A inserted: Gazette 18 Dec 2012 p. 6562-3; amended: Gazette 7 Dec 2015 p. 4898; 9 Mar 2018 p. 800; 5 Oct 2018 p. 4013; 26 Mar 2019 p. 946; SL 2020/46 r. 5; SL 2020/192 r. 4; SL 2022/162 r. 9; SL 2023/146 r. 5; SL 2026/44 r. 6.]

31BA. Applicable building standards for buildings and incidental structures in bush fire prone areas (s. 3, 19(3), 37(1) and (2), 57(3), 49(b), 51(2) and (3))

(1A) In this regulation —

bush fire standard means —

(a) a bush fire performance requirement; or

(b) to the extent not covered by paragraph (a), a requirement imposed under any written law that is a requirement relating to —

(i) a technical aspect of the construction of a building or incidental structure; and

(ii) bush fires;

Note for this definition:

Paragraph (b) includes, for example, requirements imposed under the *Building Regulations 1989*.

excluded building work means building work that is the renovation, alteration, extension, improvement or repair of a relevant building if —

(a) the estimated value of the building work is less than $20 000; or

(b) the renovation, alteration, extension, improvement or repair does not increase the risk of ignition from bushfire attack for the relevant building;

relevant building means a Class 1, Class 2 or Class 3 building, or a Class 9 vulnerable use building, if the building was not required to comply or substantially comply with a bush fire standard at the latest of the following times —

(a) when the building was constructed;

(b) if 1 or more applications or notices under section 49(b) or 51(2) or (3) or regulation 47(1) have been made or given in respect of the building — when the application or notice, or the last application or notice, was made or given;

(c) if the building has been relocated — when the building was last relocated;

renovation, alteration, extension, improvement or repair, in respect of a building, does not include the installation of a roof mounted evaporative cooling unit on the building.

(1) For the purposes of the definition of ***applicable building standard*** in section 3, the building standards set out in Column 2 of the Table are prescribed as applicable building standards for the purposes set out in Column 1 of the Table opposite the standards.

Table

Item	Column 1 Purposes	Column 2 Applicable building standards
1.	Section 19(3) in respect of all kinds of buildings and incidental structures located in a bush fire prone area	The requirements mentioned in regulation 31A(2) except that the bush fire performance requirements are not applicable building standards if — (a) the building or incidental structure is or will be located in an area that, at any time during the 4-month period ending on the day on which the application is made, was not a bush fire prone area; or (b) the building work that is proposed to be done in respect of the building or incidental structure is excluded building work only; or (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

Item	Column 1 Purposes	Column 2 Applicable building standards
		to a relevant building (other than a relevant building that is a Class 1 building).
2.	Section 37(1) in respect of all kinds of buildings and incidental structures located in a bush fire prone area	The requirements mentioned in regulation 31A(2) except that the bush fire performance requirements are not applicable building standards if — (a) the building or incidental structure is located in an area that, at any time during the 4-month period ending on the day on which the application for the building permit was made, was not a bush fire prone area; or (b) the building work done in respect of the building or incidental structure under the building permit is excluded building work only; or (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

Item	Column 1 Purposes	Column 2 Applicable building standards
		(ii) is immediately adjacent or connected to a relevant building (other than a relevant building that is a Class 1 building). Note for this item: See also regulation 31HB(2).
3.	Section 37(2) in respect of all kinds of buildings and incidental structures located in a bush fire prone area	The requirements mentioned in regulation 31E(2) except that the bush fire performance requirements are not applicable building standards if — (a) the building or incidental structure is located in an area that, at any time during the 4-month period ending on the day on which the building work in respect of the building or incidental structure commenced, was not a bush fire prone area; or (b) the building work done in respect of the building or incidental structure is excluded building work only; or

Item	Column 1 Purposes	Column 2 Applicable building standards
		(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). Note for this item: See also regulation 31HB(3).
4.	Section 57(3) for an application mentioned in section 49(b) in respect of all kinds of buildings located in a bush fire prone area	The requirements mentioned in regulation 31G(2) except that the bush fire performance requirements are not applicable building standards if the building is located in an area that, at any time during the 4-month period ending on the day on which the application is made, was not a bush fire prone area.

Item	Column 1 Purposes	Column 2 Applicable building standards
5.	Section 57(3) for an application mentioned in section 51(2) in respect of all kinds of buildings located in a bush fire prone area	The requirements mentioned in regulation 31G(2) except that the bush fire performance requirements are not applicable building standards if — (a) the building is located in an area that, at any time during the 4-month period ending on the day on which the application is made, was not a bush fire prone area; or (b) the unauthorised work done in respect of the building is excluded building work only.
6.	Section 57(3) for an application mentioned in section 51(3) in respect of all kinds of buildings and incidental structures located in a bush fire prone area	The requirements mentioned in regulation 31G(2) except that the bush fire performance requirements are not applicable building standards if — (a) the building or incidental structure is located in an area that, at any time during the 4-month period ending on the day on which the application is made, was not a bush fire prone area; or

Item	Column 1 Purposes	Column 2 Applicable building standards
		(b) the unauthorised work done in respect of the building or incidental structure is excluded building work only; or (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).

(2) Item 1, 2 or 3 (as the case may be) of the Table to subregulation (1) does not apply if the building work is the assembly, reassembly or securing of a relocated building or a relocated incidental structure.

Note for this subregulation:

See also regulation 31D.

(3) Column 2 paragraph (b) of item 1, 2, 3, 5 or 6 (as the case may be) of the Table to subregulation (1) does not apply if the excluded building work is part of a larger project of building work that has been divided up for the sole or dominant purpose of taking advantage of that paragraph.

(4) In determining whether building work is excluded building work for the purposes of Column 2 paragraph (b) of item 2 or 3 (as the case may be) of the Table to subregulation (1), the definition of that term in subregulation (1A) applies as if the definition of ***relevant building*** were the definition that applied immediately before the commencement of the *Building Amendment Regulations 2021* regulation 6 if —

(a) in the case of item 2 — the building permit for the building work was obtained before 1 May 2021; or

(b) in the case of item 3 — the building work commenced before 1 May 2021.

[(5)-(8) deleted]

[Regulation 31BA inserted: Gazette 7 Dec 2015 p. 4898-900; amended: Gazette 5 Apr 2016 p. 1017-19; 9 Mar 2018 p. 800; 26 Mar 2019 p. 943; SL 2021/42 r. 6; SL 2022/26 r. 7; SL 2025/62 r. 7.]

*[**31B.** Deleted: Gazette 5 Oct 2018 p. 4014.]*

31C. Applicable building standards for swimming pools and barriers to swimming pools (s. 3, 19(3), 37(1) and (2), 51(3) and 57(3))

(1) For the purposes of the definition of ***applicable building standard*** in section 3, the building standards set out in the Table are prescribed as applicable building standards for the purposes of sections 19(3) and 37(1) in respect of —

(a) a type of swimming pool referred to in the Table; and

(b) a barrier to a type of swimming pool referred to in the Table.

Table

Type of swimming pool	**Building standard**
All swimming pools other than private swimming pools	The requirements mentioned in regulation 31A(2) other than the Building Code pool barrier requirements.
Private swimming pools other than pre-May 2016 private swimming pools	The requirements mentioned in regulation 31A(2)(a) and 50A(1) except that — (a) a Building Code pool barrier requirement (and its associated deemed-to-satisfy solution) in effect at or after the time the application for a building permit to construct the pool was made may be substituted for a Building Code pool barrier requirement mentioned in regulation 31A(2)(a); and (b) a performance solution cannot be used to comply with a Building Code pool barrier requirement unless the performance solution is an approved barrier solution.

Type of swimming pool	**Building standard**
Pre-May 2016 private swimming pools	The requirements mentioned in regulation 31A(2)(a) and 50A(1) except that — (a) a Building Code pool barrier requirement (and its associated deemed-to-satisfy solution) that was in effect at or after the time the application for a building permit to construct the pool was made may be substituted for a Building Code pool barrier requirement mentioned in regulation 31A(2)(a); and (b) the requirements for a barrier to a private swimming pool set out in regulation 50A(4) and (5) may be substituted for a Building Code pool barrier requirement; and (c) a performance solution cannot be used to comply with a Building Code pool barrier requirement

Type of swimming pool	Building standard
	unless the performance solution is an approved barrier solution.

(2) For the purposes of the definition of ***applicable building standard*** in section 3, the building standards set out in the Table are prescribed as applicable building standards for the purposes of section 37(2) in respect of —

(a) a type of swimming pool referred to in the Table; and

(b) a barrier to a type of swimming pool referred to in the Table.

Table

Type of swimming pool	Building standard
All swimming pools other than private swimming pools	The requirements mentioned in regulation 31E(2) other than the Building Code pool barrier requirements.
Private swimming pools other than pre-May 2016 private swimming pools	The requirements mentioned in regulation 31E(2) and 50A(1) except that — (a) a Building Code pool barrier requirement (and its associated deemed-to-satisfy solution) that was in effect at or after the time the construction of the pool commenced may be substituted for a

Type of swimming pool	**Building standard**
	Building Code pool barrier requirement mentioned in regulation 31E(2); and (b) a performance solution cannot be used to comply with a Building Code pool barrier requirement unless the performance solution is an approved barrier solution.
Pre-May 2016 private swimming pools	The requirements mentioned in regulation 31E(2) and 50A(1) except that — (a) a Building Code pool barrier requirement (and its associated deemed-to-satisfy solution) that was in effect at or after the time the construction of the pool commenced may be substituted for a Building Code pool barrier requirement mentioned in regulation 31E(2); and (b) the requirements for a barrier to a private swimming pool set out

Type of swimming pool	Building standard
	in regulation 50A(4) and (5) may be substituted for a Building Code pool barrier requirement; and (c) a performance solution cannot be used to comply with a Building Code pool barrier requirement unless the performance solution is an approved barrier solution.

(3) For the purposes of the definition of ***applicable building standard*** in section 3, the building standards set out in the Table are prescribed as applicable building standards for the purposes of section 57(3) for an application mentioned in section 51(3) in respect of —

(a) a type of swimming pool referred to in the Table; and

(b) a barrier to a type of swimming pool referred to in the Table.

Table

Type of swimming pool	Building standard
All swimming pools other than private swimming pools	The requirements mentioned in regulation 31G(2) other than the Building Code pool barrier requirements.

Type of swimming pool	**Building standard**
Private swimming pools other than pre-May 2016 private swimming pools	The requirements mentioned in regulation 31G(2) and 50A(1) except that — (a) a Building Code pool barrier requirement (and its associated deemed-to-satisfy solution) that was in effect at or after the time the construction of the pool commenced may be substituted for a Building Code pool barrier requirement mentioned in regulation 31G(2); and (b) a performance solution cannot be used to comply with a Building Code pool barrier requirement unless the performance solution is an approved barrier solution.
Pre-May 2016 private swimming pools	The requirements mentioned in regulation 31G(2) and 50A(1) except that — (a) a Building Code pool barrier requirement (and its associated deemed-to-satisfy

Type of swimming pool	Building standard
	solution) that was in effect at or after the time the construction of the pool commenced may be substituted for a Building Code pool barrier requirement mentioned in regulation 31G(2); and (b) the requirements for a barrier to a private swimming pool set out in regulation 50A(4) and (5) may be substituted for a Building Code pool barrier requirement; and (c) a performance solution cannot be used to comply with a Building Code pool barrier requirement unless the performance solution is an approved barrier solution.

Note for this regulation:

See also regulation 15B which, for the purposes of these regulations, modifies AS 1926.1-2012 as referenced in the Building Code.

[Regulation 31C inserted: SL 2023/208 r. 11.]

31D. Applicable building standards for relocated buildings and incidental structures (other than swimming pools) (s. 3, 19(3) and 37(1) and (2))

(1AA) In this regulation —

relevant building has the meaning given in regulation 31BA(1A).

(1A) This regulation does not apply to a swimming pool.

(1) For the purposes of the definition of ***applicable building standard*** in section 3, the building standards set out in subregulation (2) are prescribed as applicable building standards for the purposes of sections 19(3) and 37(1) and (2) in respect of the assembly, reassembly or securing of a relocated building or a relocated incidental structure.

(2) For subregulation (1), the applicable building standards are the requirements in relation to the technical aspects of the construction of the relocated building or incidental structure that were imposed under the written law applicable at the time the relocated building or incidental structure was first assembled, except to the extent that subregulations (3), (4) and (5) of this regulation otherwise provide.

(3) The applicable building standards include those that relate to a performance requirement that is —

(a) listed in the Table; and

(b) applicable to buildings or incidental structures of the classification of the relocated building or incidental structure; and

(c) set out in the edition of the Building Code —

(i) for sections 19(3) or 37(1) — mentioned in regulation 31A(2)(a) or (b); or

(ii) for section 37(2) — in effect at the time the assembly, reassembly or securing of the relocated building or incidental structure commenced.

Table

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

Building Code Section or Part	**Performance requirements**
Volume Two Part H7 — Ancillary provisions and additional construction requirements	H7P3, H7P5, H7P6

[(3A) deleted]

(4) The applicable building standards include those that relate to a performance requirement that is —

(a) listed in the Table; and

(b) applicable to buildings or incidental structures —

(i) of the classification of the relocated building or incidental structure; and

(ii) in the geographical area where the relocated building or incidental structure was first assembled;

and

(c) set out in the edition of the Building Code in effect —

(i) if subparagraph (ii) does not apply — at the time of, or 12 months before, the first application for a building permit to assemble the relocated building or incidental structure (whichever was applied by the building surveyor in respect of the building or incidental structure); or

(ii) if no building permit to assemble the relocated building or incidental structure has ever been required — at the time of the first assembly of the relocated building or incidental structure.

Table

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

Note for this subregulation:

This subregulation does not apply if the conditions in paragraph (c) cannot be met because —

(a) a building permit to assemble the relocated building or incidental structure has been required but none has ever been applied for; or

(b) no edition of the Building Code was in effect at the relevant time mentioned in paragraph (c).

(5) The bush fire performance requirements are not applicable building standards for the purposes of the section set out in Column 1 of the Table in the circumstances set out in Column 2 of the Table opposite the section.

Table

Column 1 **Section**	**Column 2** **Circumstances**
s. 19(3)	If — (a) the relocated building or incidental structure will be relocated to an area that, at any time during the 4-month period ending on the day on which the application is made, was not a bush fire prone area; or

Column 1 **Section**	**Column 2** **Circumstances**
	(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).
s. 37(1)	If — (a) the relocated building or incidental structure is relocated to an area that, at any time during the 4-month period ending on the day on which the application for the building permit was made, was not a bush fire prone area; or (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). Note for this item: See also regulation 31HB(2).

Column 1 Section	Column 2 Circumstances
s. 37(2)	If — (a) the relocated building or incidental structure is relocated to an area that, at any time during the 4-month period ending on the day on which the assembly, reassembly or securing of the relocated building or incidental structure commenced, was not a bush fire prone area; or (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). Note for this item: See also regulation 31HB(3).

[Regulation 31D inserted: Gazette 18 Dec 2012 p. 6564-7; amended: Gazette 24 Apr 2014 p. 1136; 15 Apr 2016 p. 1169; 9 Mar 2018 p. 800; 26 Mar 2019 p. 945 and 946; SL 2020/46 r. 6; SL 2021/42 r. 7; SL 2022/162 r. 10; SL 2025/62 r. 8.]

31E. Applicable building standards for building work done without permit (s. 3 and 37(2))

(1) For the purposes of the definition of ***applicable building standard*** in section 3, the building standards set out in subregulation (2) are prescribed as applicable building standards for the purposes of section 37(2) in respect of all kinds of buildings and incidental structures, except to the extent that regulations 31BA, 31C and 31HA otherwise provide.

(2) For subregulation (1), the applicable building standards for a building or incidental structure are the requirements in relation to the technical aspects of the construction of a building or incidental structure of that building or incidental structure's classification that are set out in the edition of the Building Code that was in effect at the time the building work mentioned in section 37(2) commenced.

[Regulation 31E inserted: Gazette 18 Dec 2012 p. 6567; amended: Gazette 7 Dec 2015 p. 4900; 15 Apr 2016 p. 1169; 5 Oct 2018 p. 4014; SL 2021/42 r. 8.]

31F. Applicable building standards for replacement occupancy permit for permanent change of building's use (s. 3, 57(3) and 49(a))

(1) For the purposes of the definition of ***applicable building standard*** in section 3, the building standards set out in subregulation (2) are prescribed as applicable building standards for the purposes of section 57(3) for an application mentioned in section 49(a) in respect of all kinds of buildings.

(2) For subregulation (1), the applicable building standards for a building are the requirements mentioned in regulation 31A(2) applied by the building surveyor who signed the certificate of

design compliance for the building but if there is no applicable certificate of design compliance, either —

(a) the building licence or other approval that was granted in respect of the construction of the building under the written law applicable at the time of its construction; or

(b) each requirement in relation to the technical aspects of the construction of the building applicable to the building at the time of its construction.

[Regulation 31F inserted: Gazette 18 Dec 2012 p. 6568; amended: Gazette 21 Jun 2013 p. 2446; 24 Apr 2014 p. 1136; SL 2020/46 r. 7; 31 Dec 2019 p. 4639.]

31G. 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))

(1) For the purposes of the definition of ***applicable building standard*** in section 3, the building standards set out in subregulation (2) are, except to the extent that regulations 31BA, 31C and 31HA otherwise provide, prescribed as applicable building standards for the purposes of section 57(3) for an application mentioned —

(a) in section 49(b) or 51(2) in respect of all kinds of buildings; or

(b) in section 51(3) in respect of all kinds of buildings and incidental structures.

(2) For subregulation (1), the applicable building standards for a building or incidental structure are the requirements in relation to the technical aspects of the construction of a building or incidental structure of that building or incidental structure's classification that are set out in the edition of the Building Code

that is in effect at the time the application for the occupancy permit or building approval certificate is made.

[Regulation 31G inserted: Gazette 18 Dec 2012 p. 6568-9; amended: Gazette 21 Jun 2013 p. 2446; 7 Dec 2015 p. 4901; 15 Apr 2016 p. 1169; 8 Aug 2017 p. 4345; 22 Dec 2017 p. 5975; 5 Oct 2018 p. 4014; SL 2023/208 r. 12.]

31H. Applicable building standards for modification of occupancy permit for additional use of building on temporary basis, for occupancy permit for building with existing authorisation or for building approval for building or incidental structure with existing authorisation (s. 3, 57(4)(b), 48 and 52(1) and (2))

(1) For the purposes of the definition of ***applicable building standard*** in section 3, the building standards set out in subregulation (2) are, except to the extent that regulation 31C otherwise provides, prescribed as applicable building standards for the purposes of section 57(4)(b) for an application mentioned —

(a) in section 48 or 52(1) in respect of all kinds of buildings; or

(b) in section 52(2) in respect of all kinds of buildings and incidental structures.

(2) For subregulation (1), the applicable building standards for a building are the requirements mentioned in regulation 31A(2) applied by the building surveyor who signed the certificate of design compliance for the building or incidental structure but if there is no applicable certificate of design compliance, either —

(a) the building licence or other approval that was granted in respect of the construction of the building or incidental structure under the written law applicable at the time of its construction; or

(b) each requirement in relation to the technical aspects of the construction of the building or structure applicable to

the building or incidental structure at the time of its construction.

[Regulation 31H inserted: Gazette 18 Dec 2012 p. 6569-70; amended: SL 2020/46 r. 8; SL 2023/208 r. 13.]

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 (Classification of external walls of buildings based on reaction-to-fire performance) as referenced in C1V3 —

(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 One Schedule 1 for the purposes of Volume One;

non-combustible external wall means an external wall that is required to be non-combustible (as defined in the Building Code Volume One Schedule 1) by the Building Code Volume One Part C2 deemed-to-satisfy provision C2D10;

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 C1V3.

(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 C1V3.

(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).

[Regulation 31HA inserted: Gazette 5 Oct 2018 p. 4014-16; amended: Gazette 26 Mar 2019 p. 945; SL 2022/162 r. 11.]

31HB. Transitional provisions for *Building Amendment Regulations (No. 3) 2015*

(1) In this regulation —

commencement day means the day on which the *Building Amendment Regulations (No. 3) 2015* regulation 6 comes into operation;

local planning scheme has the meaning given in the *Planning and Development Act 2005* section 4(1).

(2) For the purposes of item 2 Column 2 paragraph (a) of the Table to regulation 31BA(1), and the item relating to section 37(1) in the Table to regulation 31D(5), the area is taken to have been a bush fire prone area for the whole of the 4-month period if —

(a) immediately before commencement day, the area was identified in any way under a local planning scheme as an area that is subject, or likely to be subject, to bush fires; and

(b) the application for the building permit was made in the 4-month period beginning on commencement day.

(3) For the purposes of item 3 Column 2 paragraph (a) of the Table to regulation 31BA(1), and the item relating to section 37(2) in the Table to regulation 31D(5), the area is taken to have been a bush fire prone area for the whole of the 4-month period if —

(a) immediately before commencement day, the area was identified in any way under a local planning scheme as an area that is subject, or likely to be subject, to bush fires; and

(b) the building work commenced in the 4-month period beginning on commencement day.

[Regulation 31HB inserted: SL 2021/42 r. 9.]

31IA. Transitional provision for *Building Amendment Regulations (No. 2) 2023*

(1) Despite regulation 31A, this regulation applies in relation to an application for a building permit made during the period beginning on 1 May 2024 and ending on 30 April 2025.

(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) and 37(1) in respect of all kinds of buildings and incidental structures, except to the extent that regulations 31BA, 31C, 31D and 31HA otherwise provide.

(3) For the purposes of subregulation (2), the applicable building standards for a building or incidental structure are the requirements in relation to the technical aspects of the construction of a building or incidental structure of that building or incidental structure's classification that are —

(a) set out in the edition of the Building Code that is in effect at the time the application for the building permit is made; or

(b) set out in the Building Code (2019 edition) Amendment 1.

(4) For the purposes of subregulation (3), the applicable building standards include the governing requirements set out in the relevant edition of the Building Code.

(5) If the applicable building standards are set out in an earlier edition (the ***earlier edition***) of the Building Code than the edition that was last adopted, 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 earlier edition.

[Regulation 31IA inserted: SL 2023/146 r. 6.]

Subdivision 2 — Building standards in relation to demolition

[Heading inserted: Gazette 18 Dec 2012 p. 6570.]

31I. Applicable building standards in relation to demolition work (s. 3 and 38)

(1) For the purposes of the definition of ***applicable building standard*** in section 3, the building standards set out in subregulation (2) are prescribed as applicable building standards for the purposes of section 38(1) and (2) in respect of demolition work.

(2) For subregulation (1), the applicable building standards in respect of demolition work are as follows —

(a) material removed or displaced from a building or incidental structure being demolished —

(i) must not be placed in such a way as to cause a floor of the building or incidental structure to collapse; and

(ii) must be sprayed with water or otherwise treated to prevent any nuisance from dust; and

(iii) must be removed from the demolition site; and

(iv) must not be burned on the demolition site;

(b) ensuring that each electrical or gas service to the building or incidental structure being demolished is disconnected by the provider of the service no later than the day on which the demolition work is completed.

[Regulation 31I inserted: Gazette 18 Dec 2012 p. 6570-1; amended: Gazette 24 Apr 2014 p. 1136-7; 8 Aug 2017 p. 4344.]

Division 2 — Demonstrating compliance with building standards

[Heading inserted: Gazette 18 Dec 2012 p. 6571.]

31J. Compliance with building standards — CodeMark certificates

(1) In this regulation —

building product includes a building product, method, design, component and system;

CodeMark certificate means a certificate, issued under the CodeMark Scheme administered by the Australian Building Codes Board, which certifies that a building product complies with the provisions of the Building Code specified in the certificate.

(2) For the purposes of demonstrating compliance with a building standard, a CodeMark certificate issued for a building product is sufficient evidence that the building product complies with the provisions of the Building Code specified in the certificate.

(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 C1V3.

[Regulation 31J inserted: Gazette 18 Dec 2012 p. 6571; amended: Gazette 5 Oct 2018 p. 4016; SL 2022/162 r. 12.]

Division 3 — Non-application, modification, of building standards

[Heading inserted: Gazette 18 Dec 2012 p. 6571.]

31. Term used: application

In this Division —

application, in relation to a building standard, means —

(a) an application for a declaration that the building standard does not apply to the building, incidental structure or demolition work that is the subject of the application; or

(b) an application for a declaration that the building standard applies in a modified way to the building, incidental structure or demolition work that is the subject of the application.

[Regulation 31 amended: Gazette 18 Dec 2012 p. 6572; 7 Feb 2017 p. 1160-1; 26 Mar 2019 p. 944; SL 2021/42 r. 10; SL 2025/62 r. 9.]

32. Statements to accompany application (s. 39(8)(b))

(1) An application in relation to a building standard must be accompanied by —

(a) a statement by an independent building surveyor setting out —

(i) each risk to people, property or the environment that the building standard, if applied, prevents or minimises; and

(ii) how each risk is quantified and measured for the building, incidental structure or demolition work that is the subject of the application; and

(iii) if, and the extent to which, a risk would be increased if the building standard did not apply,

or was modified in the way proposed by the applicant;

and

(b) a statement of a second independent building surveyor, who has been approved by the Building Commissioner for the purposes of this paragraph, confirming that the second independent building surveyor has reviewed, and agrees with, the statement referred to in paragraph (a); and

(c) 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) For the purposes of subregulation (1) a building surveyor is an independent building surveyor in relation to an application if —

(a) the building surveyor is neither an owner, nor an employee of the owner, of the land on which —

(i) the building or incidental structure that is the subject of the application is, or is proposed to be, located; or

(ii) the demolition work is proposed to be done;

and

(b) the building surveyor is neither the person, nor an employee of the person, who is or proposes to be —

(i) named as the builder on a building permit to do building work in respect of the building or incidental structure; or

(ii) named as the demolition contractor on a demolition permit to do the demolition work.

[Regulation 32 amended: Gazette 7 Feb 2017 p. 1161; SL 2025/62 r. 10.]

*[**32A.** Deleted: SL 2025/62 r. 11.]*

33. Decisions on applications (s. 39(9)(a))

(1) In this regulation —

decision means a decision of the Building Commissioner, on an application in relation to a building standard —

(a) to not declare that a building standard does not apply; or

(b) to not modify a building standard; or

(c) to modify a building standard in a way different from that proposed by the applicant.

(2) The Building Commissioner must —

(a) record the grounds on which a decision is based and the reasons for the decision; and

(b) as soon as is practicable, but in any case not later than 5 days after making the decision, give to the applicant written notice of the decision together with those grounds and reasons, and the person's right of review under section 120.

34. Revoking or amending declarations (s. 39(9)(b))

If the Building Commissioner makes a declaration on an application in relation to a building standard, the Building Commissioner may revoke or amend the declaration if the Building Commissioner becomes aware of any of the following —

(a) an appropriate building solution that meets the building standard;

(b) a change to the building standard;

(c) a change to the risk to people, property or the environment that the building standard, if applied, prevents or minimises;

(d) a change to the written law or Commonwealth law the purpose of which had been consistent with the declaration;

(e) an error in a statement that accompanied the application under regulation 32(1).

[Regulation 34 amended: SL 2025/62 r. 12.]

Part 5 — Occupancy permits and building approval certificates

35. Display of occupancy permit details (s. 42(a))

For the purposes of section 42(a) the following information about, or contained in, an occupancy permit must be displayed at or near the principal entrance to each part of the building to which the occupancy permit relates in a manner that is clearly visible to occupiers and other persons using the building —

(a) the name or other description of the building;

(b) the classification of the building;

(c) the use authorised by the occupancy permit;

(d) the name of the permit authority for the building.

36A. Further information (s. 55(3) and (4))

(1) For the purposes of section 55(3), a requirement under section 55(1) —

(a) must be in writing; and

(b) must be clearly identified as a requirement under section 55(1); and

(c) must set out the specified time mentioned in section 55(1) and when it commences; and

(d) must indicate the consequences under section 55(2) of not complying with the requirement within the specified time; and

(e) must specify the information, if any, that the applicant must verify by statutory declaration.

(2) For the purposes of section 55(4), only one set of requirements may be made in relation to an application.

[Regulation 36A inserted: Gazette 18 Dec 2012 p. 6572.]

36. Certificate of building compliance (s. 57)

(1) For the purposes of section 57(2)(c), the following authorities under written laws, as relevant to the building or incidental structure, are prescribed —

(a) an approval required under the *Health (Miscellaneous Provisions) Act 1911* section 107(2)(a) or (b);

(b) an approval required under the *Planning and Development Act 2005*;

(c) an approval required under the *Health (Aquatic Facilities) Regulations 2007* Part 2 Division 1;

(d) an approval required under the *Local Government (Uniform Local Provisions) Regulations 1996* regulation 12(2);

(e) an approval required under the Swan Valley Planning Scheme.

(2) For the purposes of section 57(2)(d), a certificate of building compliance must contain the following things —

(a) if a declaration under section 39 has been made in respect of the building, a statement to that effect;

(aa) if the certificate of building compliance is to accompany an application mentioned in section 49(b) and the change of classification of the building is to a Class 2 building, a Class 3 building or a Class 9 vulnerable use building —

(i) a statement about whether the building is located in a bush fire prone area; and

(ii) if the building is located in a bush fire prone area and a bush fire performance requirement applies to the building —

(I) the BAL for the building site; or

(II) if another measure has been used to assess compliance with a bush fire

performance requirement — details of the measure used and the results of that assessment;

(b) if the certificate of building compliance is to accompany an application mentioned in section 51(2) or (3), plans and specifications that show how the building complies with each building standard that applies to the building or incidental structure;

(ba) if the certificate of building compliance is to accompany an application mentioned in section 51(2) or (3) in respect of a building or deck referred to in subregulation (3) —

(i) a statement about whether the building or deck is located in a bush fire prone area; and

(ii) if the building or deck is located in a bush fire prone area and a bush fire performance requirement applies to the building or deck —

(I) the BAL for the building site; or

(II) if another measure has been used to assess compliance with a bush fire performance requirement — details of the measure used and the results of that assessment;

(c) if a performance solution was used to comply with a building standard, a statement about the performance solution and details of the assessment methods used to establish compliance with the building standard.

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) 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).

[Regulation 36 amended: Gazette 5 Apr 2016 p. 1019-20; 10 Jan 2017 p. 182; 8 Aug 2017 p. 4345; 22 Dec 2017 p. 5975; SL 2021/42 r. 11; SL 2021/130 r. 4; SL 2022/162 r. 13; SL 2025/62 r. 13.]

37. Grant of occupancy permit or building approval certificate (s. 58)

For the purposes of section 58(1)(j), the following authorities under written laws, as relevant to the building or incidental structure, are prescribed —

(a) an approval required under the *Health (Miscellaneous Provisions) Act 1911* section 107(2)(a) or (b);

(b) an approval required under the *Planning and Development Act 2005*;

(c) an approval required under the *Health (Aquatic Facilities) Regulations 2007* Part 2 Division 1;

(d) an approval required under the *Local Government (Uniform Local Provisions) Regulations 1996* regulation 12(2);

(e) an approval required under the Swan Valley Planning Scheme.

[Regulation 37 amended: Gazette 10 Jan 2017 p. 182; SL 2021/130 r. 5; SL 2022/162 r. 14.]

38. Time for granting occupancy permit or building approval certificate (s. 59)

For the purposes of section 59(1)(a)(i) the period for deciding whether or not to grant or modify an occupancy permit or grant a building approval certificate is 10 business days.

*[**39.** Deleted: Gazette 31 Dec 2019 p. 4639.]*

40. Extension of period of duration of time limited occupancy permit or building approval certificate (s. 65)

(1) In this regulation —

application means an application made under section 65(1);

expiry day, in relation to an occupancy permit or a building approval certificate, means the day on which the permit or certificate ceases to have effect.

(2) A permit authority may, by written notice, refuse to accept an application made after the expiry day for the occupancy permit or building approval certificate if —

(a) the permit authority is satisfied that the delay in making the application was unreasonable in the circumstances; or

(b) the application is made more than 30 days after the expiry date for the permit.

(3) If an application is made before the expiry day for an occupancy permit or a building approval certificate and has not been determined by the expiry day, the permit or certificate continues to have effect on and from expiry day until —

(a) the permit authority extends or refuses to extend the permit or certificate; or

(b) the applicant withdraws the application; or

(c) a notice of completion in respect of the building to which the permit or certificate relates is given to the permit authority; or

(d) a period of 30 days has elapsed since the expiry of the building permit for the building.

(4) If an application made after the expiry day for an occupancy permit or a building approval certificate is accepted by the permit authority, the permit or certificate is to be taken to have had effect on and from the day immediately following the expiry day until —

(a) the permit authority extends or refuses to extend the permit or certificate; or

(b) the applicant withdraws the application; or

(c) a notice of completion in respect of the building to which the permit or certificate relates is given to the permit authority; or

(d) a period of 30 days has elapsed since the expiry of the building permit for the building.

(5) If a permit authority refuses to extend the time during which an occupancy permit or a building approval certificate has effect or extends the permit or certificate for a shorter period than the period requested by the applicant, the permit authority must —

(a) record the grounds on which the decision is based and the reasons for the decision; and

(b) as soon as is practicable, but in any case not later than 5 business days after making the decision, give to the applicant written notice of the decision together with those grounds and reasons, and the person's right of review under section 121(2).

Part 6 — Circumstances in which building, demolition or occupancy permits not required

41. Building work for which building permit not required (s. 9(b))

(1) A building permit is not required for the following building work —

(a) building work for a Class 10a or 10b building or incidental structure that is located, or to be located, in a local government district specified in column 1 of the Table in the area specified for that district in column 2 of the Table;

(b) building work for a building or incidental structure that is not a Class 10a or 10b building or incidental structure and that is located, or to be located, in a local government district specified in column 1 of the Table in the area (if any) specified for that district in column 3 of the Table.

(2) In subregulation (1)(a) and (b) —

Table means the Table in Schedule 4 clause 1.

(2A) A building permit is not required for building work for a Class 10c building or incidental structure that is located, or to be located, in the Murchison local government district.

(3) A building permit is not required for building work of a kind described in the Table in Schedule 4 clause 2.

(4) A builder who constructs, erects, assembles or places a temporary office, shed or sanitary facility in the circumstances described in item 3 in the Table in Schedule 4 clause 2 must not, without the written approval of the permit authority, allow the office, shed or sanitary facility to remain on the land after the

completion of the building work in connection with which it was constructed, erected, assembled or placed.

Penalty: a fine of $5 000.

[Regulation 41 amended: SL 2026/199 r. 4.]

42. Demolition work for which demolition permit not required (s. 10(c))

A demolition permit is not required for the following demolition work —

(a) demolition of a Class 10 building or incidental structure if —

(i) the floor area of the building does not exceed 40 m^2; and

(ii) the demolition work will not adversely affect the safety and health of the occupants or other users of the building or incidental structure or of the public; and

(iii) the building or incidental structure is not the subject of a protection order, heritage works permit, repair notice or repair order;

(b) demolition work for which a demolition licence was not required under the former provisions if —

(i) the demolition work commenced before commencement day; or

(ii) a contract to do the demolition work was entered into before commencement day.

[Regulation 42 amended: SL 2024/49 r. 7.]

43. Buildings for which occupancy permit not required (s. 41(2))

An occupancy permit is not required for any of the following —

(a) a Class 1 or Class 10 building;

(b) a building mentioned in regulation 41(1)(b);

(c) a temporary office, shed or sanitary facility to be used by a builder in connection with building work carried out on the land on which the office, shed or sanitary facility is, or is proposed to be, located;

(d) a building owned or occupied by, or under the control or management of the Crown in right of the State or a department, agency or instrumentality of the Crown in right of the State for which building work —

(i) commences before 31 December 2012; and

(ii) has, when it commences, an estimated value of less than $100 000;

(e) a building owned or occupied by, or under the control or management of the Crown in right of the State or a department, agency or instrumentality of the Crown in right of the State for which building work —

(i) commences before 30 June 2017; and

(ii) has, when it commences, an estimated value of less than $50 000;

(f) a building for which a building licence was not required under the former provisions if —

(i) building work for the building commenced before commencement day; or

(ii) a contract to do the building work was entered into before commencement day.

[Regulation 43 inserted: Gazette 18 Dec 2012 p. 6573-4; amended: Gazette 30 Jun 2015 p. 2328; SL 2026/199 r. 5.]

Part 7 — Work affecting other land

44A. Terms used

In this Part —

architectural feature includes a moulding, string course, cornice, coping, eave, window sill and fin;

public place means an area that is —

(a) a reserve as defined in the *Land Administration Act 1997* section 3(1); or

(b) a mall reserve as defined in the *Land Administration Act 1997* section 3(1);

road has the meaning given in the *Land Administration Act 1997* section 3(1).

[Regulation 44A inserted: Gazette 24 Apr 2014 p. 1137.]

44. Owner of land for purposes of Part 6 of Act

For the purposes of Part 6 of the Act, owner, in relation to land held in freehold or held in leasehold under a strata lease, means a person referred to in paragraph (a) or (b) of the definition of ***owner***, in relation to land held in freehold or held in leasehold under a strata lease in section 5(1).

[Regulation 44 amended: Gazette 31 Dec 2019 p. 4640.]

45A. Minor encroachments (s. 76(1)(c))

For the purposes of section 76(1)(c) the following encroachments are minor encroachments —

(a) an architectural feature attached to a building if the feature encroaches on a road or a public place by not more than 250 mm;

(b) a window or shutter that —

(i) when open encroaches on a road or a public place; and

(ii) is at least 2.75 m above the surface of the road or the ground level of the public place;

(c) a window shutter that, when fully open, encroaches on a road or a public place by not more than 50 mm.

[Regulation 45A inserted: Gazette 24 Apr 2014 p. 1137.]

45B. Circumstances prescribed for purposes of section 76(1)(e)

(1) For the purposes of section 76(1)(e) prescribed circumstances are the placement of an awning, verandah or thing attached to an awning or verandah that encroaches on a road or a public place if the awning, verandah or thing —

(a) is at least 2.75 m above the surface of the road or the ground level of the public place; and

(b) has no supports connecting it to the surface of the road or the public place; and

(c) is constructed in an approved manner.

(2) For the purposes of subregulation (1)(c) an awning, verandah or thing attached to an awning or verandah is constructed in an approved manner if —

(a) the construction —

(i) is development as defined in the *Planning and Development Act 2005* section 4(1); and

(ii) is in accordance with the requirements of that Act that applied to the construction at the time of the construction;

or

(b) the construction is in accordance with a local law made under the *Local Government Act 1995* section 9.60 that applied to the construction at the time of the construction.

[Regulation 45B inserted: Gazette 24 Apr 2014 p. 1137-8.]

45. Content of notice about effect on other land (s. 85)

(1) For the purposes of section 85(1)(b) a notice is to set out the proposed time frame within which the notifiable event may occur (if known).

(2) For the purposes of section 85(1)(j) a notice is to be accompanied by plans and specifications for any work, building or structure that may affect the affected land that contain sufficient detail to show how the notifiable event will affect the land.

Part 8 — Existing buildings

Division 1 — General

*[**46.** Deleted: Gazette 18 Dec 2012 p. 6574.]*

47. Notification of change of classification of certain buildings and incidental structures

(1A) In this regulation —

applicable technical aspects means —

(a) the technical aspects of the construction of the building or incidental structure set out in the edition of the Building Code that is in effect at the time a written notice is given under subregulation (1); but

(b) does not include the bush fire performance requirements if —

(i) a building or incidental structure is located in a bush fire prone area; and

(ii) at any time during the 4-month period ending on the day on which the notice is given, the area was not a bush fire prone area.

(1) The owner of an existing building or incidental structure that is of a classification listed in column 2 of an item in the Table must not permanently change the classification of the building or incidental structure to a classification listed in column 3 of that item unless the owner has given written notice to the relevant permit authority at least 10 business days before the proposed change.

Table

Column 1 **Item**	**Column 2** **Existing classification**	**Column 3** **Proposed classification**
1.	Classes 2 to 10	Class 1
2.	Class 1a	Class 1b

Penalty: a fine of $5 000.

(2) The written notice must include or be accompanied by —

(a) evidence that the building or incidental structure complies with the applicable technical aspects of the construction of a building or incidental structure of that building or incidental structure's proposed classification; and

(b) if the proposed classification of the building or incidental structure is Class 1 —

(i) a statement about whether the building or incidental structure is located in a bush fire prone area; and

(ii) if the building or incidental structure was located in a bush fire prone area during the whole of the 4-month period ending on the day on which the notice is given —

(I) the BAL for the building site; or

(II) if another measure has been used to assess compliance with the relevant performance requirement — details of the measure used and the results of that assessment.

[Regulation 47 amended: Gazette 24 Apr 2014 p. 1138; 5 Apr 2016 p. 1020-1; SL 2021/42 r. 12.]

Division 2A — Maintenance

[Heading inserted: Gazette 24 Apr 2014 p. 1138.]

48A. Maintenance of buildings

(1) In this regulation —

relevant building standards, in relation to a part of a building, means —

(a) if one or more building permits have been granted in respect of the part — the building standards in the edition of the Building Code identified in the applicable certificate of design compliance for the most recent of those building permits; or

(b) if paragraph (a) does not apply but one or more building licences were issued under the *Local Government (Miscellaneous Provisions) Act 1960* in respect of that part —

(i) the building standards in the edition of the Building Code that applied at the time the most recent building licence was issued; or

(ii) if no edition of the Building Code applied at the time the most recent building licence was issued — each requirement in relation to the technical aspects of the construction of the part applicable at that time;

or

(c) otherwise — each requirement in relation to the technical aspects of the construction of the part applicable to the part at the time of its construction;

safety measures means measures relating to the following —

(a) building fire integrity;

(b) means of egress;

(c) signs;

(d) lighting;

(e) fire fighting services and equipment;

(f) air handing systems;

(g) automatic fire detection and alarm;

(h) occupant warning systems;

(i) lifts;

(j) standby power supply systems;

(k) building clearance and fire appliances;

(l) glazed assemblies, balconies, balustrades, refrigerated chambers, strong rooms, vaults;

(m) bushfire protection measures;

(n) building use and application.

(2) The owner of an existing building that is a Class 2 to Class 9 building must ensure that —

(a) the safety measures in each part of the building are capable of performing to a standard set out in the relevant building standards for the part; and

(b) the mechanical ventilation, hot water, warm water and cooling water systems are adequately maintained to safeguard people from illness or injury; and

(c) the building's services in each part of the building continue to perform to a standard of energy efficiency that is equal to or greater than the standard in the relevant building standards for the part.

Penalty: a fine of $5 000.

[Regulation 48A inserted: Gazette 24 Apr 2014 p. 1138-9; amended: Gazette 30 Jun 2015 p. 2328-9.]

Division 2 — Private swimming pools

48. Terms used

In this Division —

access, in relation to a pool, means direct or indirect access by young children to the pool and its immediate surrounds;

approved alternative requirement means a requirement that has been approved in accordance with regulation 51(2) by the permit authority for the private swimming pool;

approved door means a door that has been approved in accordance with regulation 51(3) by the permit authority for the private swimming pool;

young child means a child under the age of 5 years.

[Regulation 48 amended: Gazette 15 Apr 2016 p. 1169; SL 2023/208 r. 14; SL 2025/34 r. 4.]

49. Application of this Division

This Division applies in respect of a private swimming pool that is located in a local government district specified in column 1 of the Table in Schedule 5 in the area specified for that district in column 2 of that Table.

50. Barrier to private swimming pool

(1) This regulation does not apply in respect of a private swimming pool in —

(a) a construction site (as defined in the *Work Health and Safety (General) Regulations 2022* regulation 5) to which the *Work Health and Safety (General) Regulations 2022* regulation 298 applies; or

(b) a work area to which the *Work Health and Safety (General) Regulations 2022* regulation 306 applies.

(2) Each owner and occupier of premises on which there is a private swimming pool containing water that is more than 300 mm deep

must ensure that a pool barrier that restricts access to the pool and complies with the requirements of regulation 50A (and, if applicable, regulation 52) is installed or provided around the pool.

Penalty for this subregulation: a fine of $5 000.

[Regulation 50 inserted: SL 2023/208 r. 15; amended: SL 2025/34 r. 5.]

50A. Pool barrier requirements

(1) If all or part of a building (other than a Class 10 building) is within the area bounded by a pool barrier, that pool barrier or another pool barrier must restrict access to the pool from the building.

(2) Subject to subregulations (3) and (4), a pool barrier must comply with a Building Code pool barrier requirement that was in effect —

(a) if a building permit applies to the construction of the pool — at or after the time the application for a building permit to construct the pool was made; or

(b) otherwise — at or after the time the construction of the pool commenced.

Note for this subregulation:

See also regulation 15B which modifies AS 1926.1-2012.

(3) For the purposes of subregulation (2), a performance solution cannot be used to comply with a Building Code pool barrier requirement unless the performance solution is an approved barrier solution.

(4) If the pool is a pre-May 2016 private swimming pool, the pool barrier need not comply with subregulation (2) if —

(a) it is in accordance with —

(i) the requirements of AS 1926.1-1993; or

(ii) approved alternative requirements;

and

(b) any wall comprising part of the pool barrier has no means of access to the pool through a building other than —

(i) a window that is in accordance with the requirements of AS 1926.1-1993; or

(ii) an approved door.

(5) For the purposes of subregulation (4)(a), a boundary fence of the premises that is part of the pool barrier is in accordance with the requirements of clauses 2.3, 2.6 and 2.7 of AS 1926.1-1993 if all those requirements are satisfied in relation to either side of the fence.

Note for this regulation:

If a wall or any other part of a building is included in a pool barrier, that wall or other part must comply with the requirements of this regulation.

[Regulation 50A inserted: SL 2023/208 r. 15; amended: SL 2025/34 r. 6.]

51. Approvals by permit authority

(1) In this regulation —

person with a disability means a person who in the view of National Disability Services (ACN 008 445 485), registered under the *Corporations Act 2001* (Commonwealth), has a disability or medical condition that makes it difficult for the person to use a gate of the kind that would be required by these regulations in a swimming pool barrier.

(2) A permit authority may approve requirements alternative to the requirements of regulation 50A(4)(a)(i) if it is satisfied that the alternative requirements will restrict access to the pool as effectively as if there were compliance with AS 1926.1-1993.

(3) A permit authority may approve a door for the purposes of regulation 50A(4)(b)(ii) if the door is in accordance with the requirements of AS 1926.l-1993 and —

(a) in the opinion of the permit authority, a fence or barrier satisfying regulation 50A between the building and the private swimming pool would cause —

(i) a significant problem of a structural nature; or

(ii) a significant problem of any other nature, the cause of which is not within the control of the owner or occupier;

or

(b) the private swimming pool is totally enclosed by a building; or

(c) in the opinion of the permit authority, a fence or barrier satisfying regulation 50A between the building and the private swimming pool would create a significant problem for a person with a disability who is resident at the premises and wishes to have access to the pool.

(4) In deciding whether to give approval under subregulation (3) a permit authority is required to have regard to whether or not a young child resides at the premises.

(5) A permit authority may approve a performance solution to a Building Code pool barrier requirement if the permit authority is satisfied that the performance solution complies with the relevant performance requirement.

[Regulation 51 amended: Gazette 15 Apr 2016 p. 1171; 8 Aug 2017 p. 4345; 22 Dec 2017 p. 5975; SL 2023/208 r. 16; SL 2025/34 r. 7.]

52. Concessions for pre-November 2001 private swimming pools

(1) This regulation applies to a private swimming pool —

(a) installed before 5 November 2001; or

(b) installed on or after 5 November 2001 in accordance with plans, drawings and specifications submitted to the local government for approval before that day.

(2) For the purposes of regulation 50(2), the immediate surrounds of a private swimming pool to which this regulation applies may include any part of the premises on which the pool is located.

(3) The pool barrier required by regulation 50(2) may include a wall that contains a door permitting access to the pool through a building if that door satisfies the requirements of AS 1926.1-1993.

[Regulation 52 amended: Gazette 15 Apr 2016 p. 1171; SL 2023/208 r. 17; SL 2025/34 r. 8.]

53. Inspection of barrier to private swimming pool

(1) The local government for the district in which a private swimming pool containing water that is more than 300 mm deep is located must arrange for an authorised person to inspect the barrier to the private swimming pool on the days and at the intervals described in subregulation (2), for the purpose of monitoring whether regulation 50(2) is being complied with.

(2) For the purposes of subregulation (1), the days and intervals for inspections of a barrier to a private swimming pool are —

(a) if the local government has never arranged for an authorised person to inspect the barrier — a day that is no more than 30 days after the day on which the first of the following occurs —

(i) the local government receives a notice of completion under section 33 stating that the building work in respect of the barrier or the private swimming pool is completed;

(ii) the local government receives details of a notice of completion under section 7(2)(b) indicating

that the building work in respect of the barrier or the private swimming pool is completed;

(iii) the local government otherwise becomes aware that it has never arranged for an authorised person to inspect a barrier to the private swimming pool;

and

(b) if the local government has previously arranged for an authorised person to inspect the barrier to a private swimming pool (the ***relevant inspection***) —

(i) if the authorised person is not satisfied that regulation 50(2) is being complied with — on a day that is within 60 days after the day of the relevant inspection; and

(ii) in any other case — on a day that is within 4 years after the day of the relevant inspection.

Note for this subregulation:

If subregulation (2)(b)(i) applies, the local government must arrange 1 or more further inspections until an authorised person is satisfied that regulation 50(2) is being complied with.

[Regulation 53 inserted: SL 2023/208 r. 18; amended: SL 2025/34 r. 9.]

53A. Charges may be imposed for inspection of barrier

(1) In this regulation —

initial inspection means an inspection arranged under regulation 53(1) to which regulation 53(2)(a) applies;

periodic inspection means an inspection arranged under regulation 53(1) to which regulation 53(2)(b)(ii) applies;

re-inspection means an inspection arranged under regulation 53(1) to which regulation 53(2)(b)(i) applies.

(2) A local government may fix the charge to be imposed on an owner of land on which there is a private swimming pool

containing water that is more than 300 mm deep for an initial inspection, but —

(a) a single charge is to be imposed covering both the initial inspection and any related re-inspections; and

(b) the amount of the charge must not exceed the lesser of —

(i) the estimated average cost to the local government of carrying out an initial inspection and any related re-inspections; and

(ii) $312.

(3) A local government may, for a financial year, fix the charge to be imposed on each owner of land on which there is a private swimming pool containing water that is more than 300 mm deep, in respect of the cost in that financial year of carrying out periodic inspections, but —

(a) a single charge is to be imposed in respect of periodic inspections and any related re-inspections; and

(b) the amount of the charge must not exceed the lesser of —

(i) the estimated average cost to the local government of carrying out periodic inspections and related re-inspections in that year; and

(ii) $78;

and

(c) the charge is payable by an owner whether or not a periodic inspection is conducted in respect of a pool on that owner's land in the financial year.

[Regulation 53A inserted: SL 2023/208 r. 18; amended: SL 2025/34 r. 10.]

53B. Local governments to give Building Commissioner information

(1) In this regulation —

reporting period means the period commencing on 1 July and ending on the next following 30 June.

(2) Each local government must, before 1 August each year, give the Building Commissioner the following information in respect of the immediately preceding reporting period —

(a) the number of swimming pools in respect of which this Division applies that are located in the local government's district at the end of the reporting period;

(b) the number of swimming pools referred to in paragraph (a) that were inspected by an authorised person during the reporting period at an inspection arranged under regulation 53;

(c) the number of swimming pools referred to in paragraph (a) that, at the end of the reporting period, have not been inspected by an authorised person at an inspection arranged under regulation 53 within the interval specified in regulation 53(2)(b)(ii).

(3) The information referred to in subregulation (2) must be provided to the Building Commissioner electronically.

[Regulation 53B inserted: SL 2023/208 r. 18.]

54A. Temporary pool barriers

(1) In this regulation —

person responsible has the meaning given in section 75;

work has the meaning given in section 75.

(2) A person responsible for work that requires the removal of a fence, wall, gate or other component that is part of a barrier to a private swimming pool must ensure that an alternative barrier that restricts access to the pool and complies with the

requirements of regulation 50A (and, if applicable, regulation 52) is installed or provided for any period during which the fence, wall, gate or component is removed.

[Regulation 54A inserted: Gazette 24 Apr 2014 p. 1140; amended: Gazette 15 Apr 2016 p. 1171; SL 2025/34 r. 11.]

54. Transitional provision — persons authorised by regulation 5A

(1) In this regulation —

regulation 5A means regulation 5A as in force immediately before repeal day;

repeal day means the day on which the *Building Amendment Regulations 2023* regulation 5 comes into operation.

(2) A person who, immediately before repeal day, was an authorised person under regulation 5A is to be taken to be an authorised person for the purposes of section 93(2)(d) for the period commencing on repeal day and ending on the earlier of —

(a) the day that is 6 months after repeal day; and

(b) the day on which the person is designated as an authorised person under regulation 4A.

[Regulation 54 inserted: SL 2023/208 r. 7.]

Division 3 — Smoke alarms

55. Terms used

(1) In this Division —

10 year life battery means a battery that is capable of powering a smoke alarm for at least 10 years without the alarm indicating the battery power is low;

approved alternative building solution means a building solution that has been approved by the local government of the district in which the dwelling is located on the basis that the

solution meets the performance requirement in the Building Code relating to fire detection and early warning (other than the requirements relating to evacuation lighting);

declaration of intended demolition, in relation to a dwelling the ownership of which is transferred, means a statutory declaration made by the person to whom the ownership is transferred declaring that the person intends to demolish the dwelling within the period of 6 months beginning on the transfer day;

dwelling means —

(a) a Class 1 building; or

(b) a unit in a Class 2 building; or

(c) a Class 4 dwelling;

electrician has the meaning given in the *Electricity (Licensing) Regulations 1991* regulation 3(1);

owner, of a dwelling, means a person who holds an interest in land that entitles the person to the ownership of the dwelling;

residential tenancy agreement means a residential tenancy agreement to which the *Residential Tenancies Act 1987* applies;

short-term rental accommodation has the meaning given in the *Short-Term Rental Accommodation Act 2024* section 3;

transfer day, in relation to a dwelling the ownership of which is transferred, means the day on which the ownership is transferred;

unit, in the definition of ***dwelling***, means a room or suite of rooms, and any associated parts of the building, constituting a single dwelling for the exclusive occupation of one or more occupants.

(2) For the purposes of this Division, a smoke alarm —

(a) is connected to the mains power supply if it is electrically connected to a permanent supply of electricity to the dwelling; and

(b) is permanently connected if an electrician would ordinarily be required to connect or disconnect the alarm.

(3) For the purposes of this Division, an owner of a dwelling transfers the ownership of it if —

(a) the owner executes an instrument of transfer or conveyance of the interest in land that entitles the owner to the ownership of the dwelling; and

(b) the person to whom the interest is to be transferred or conveyed obtains possession of the dwelling under or in anticipation of the transfer or conveyance.

[Regulation 55 amended: Gazette 22 Dec 2017 p. 5971-2; SL 2024/123 r. 19(2).]

56. Requirement to have smoke alarms or similar prior to transfer of dwelling

(1) If an owner of a dwelling transfers the ownership of it, the owner must, to the extent practicable, ensure that at the time of the transfer —

(a) the dwelling has smoke alarms installed so that the dwelling and the alarms comply with the requirements of regulation 60(2); or

(b) if an approved alternative building solution applies in relation to the dwelling — the solution is in effect.

Penalty for this subregulation: a fine of $5 000.

(2) It is a defence to a charge of an offence under subregulation (1) for the accused to prove that the person to whom the ownership of the dwelling is transferred gave the accused a declaration of intended demolition for the dwelling before the time of the transfer.

[Regulation 56 amended: Gazette 22 Dec 2017 p. 5972.]

57. New owner must install smoke alarms or similar, and right to recover costs

(1) If an owner of a dwelling (the ***prior owner***) transfers the ownership of it and fails to comply with regulation 56(1), the person to whom the ownership is transferred (the ***new owner***) must, within the post-transfer period, ensure that —

(a) the dwelling has smoke alarms installed so that the dwelling and the alarms comply with the requirements of regulation 60(2); or

(b) if an approved alternative building solution applies in relation to the dwelling — the solution is in effect.

Penalty for this subregulation: a fine of $5 000.

(1A) In subregulation (1) —

post-transfer period, in relation to a dwelling, means —

(a) if the new owner gave the prior owner a declaration of intended demolition for the dwelling before the time of the transfer — the period of 6 months beginning on the transfer day; or

(b) if the new owner did not give the prior owner a declaration of intended demolition for the dwelling before the time of the transfer — the period of 12 months beginning on the transfer day.

(2) If the new owner did not give the prior owner a declaration of intended demolition for the dwelling before the time of the transfer, the new owner may recover, in a court of competent jurisdiction, the reasonable costs of complying with subregulation (1) as a debt due from the prior owner.

(3) It is a defence to a charge of an offence under subregulation (1) for the accused to prove that the dwelling was demolished within the post-transfer period.

[Regulation 57 amended: Gazette 22 Dec 2017 p. 5972-3.]

58. Requirement to have smoke alarms or similar prior to tenancy

(1) This regulation applies to a dwelling if either or both of the following conditions are satisfied —

(a) the dwelling is rented, or made available for rent, under a residential tenancy agreement;

(b) the dwelling is, or is made available as, short-term rental accommodation.

(2) The owner of the dwelling must, to the extent practicable, ensure that —

(a) the dwelling has smoke alarms installed so that the dwelling and the alarms comply with the requirements of regulation 60(2); or

(b) if an approved alternative building solution applies in relation to the dwelling — the solution is in effect.

Penalty for this subregulation: a fine of $5 000.

[Regulation 58 amended: SL 2024/123 r. 19(3)-(5).]

59. Requirement to have smoke alarms or similar prior to hire of dwelling

The owner of a dwelling must not make the dwelling available for hire unless —

(a) the dwelling has smoke alarms installed so that the dwelling and the alarms comply with the requirements of regulation 60(2); or

(b) if an approved alternative building solution applies in relation to the dwelling — the solution is in effect.

Penalty: a fine of $5 000.

60. Requirements for smoke alarms

(1) In this regulation —

relevant day —

(a) in relation to a dwelling the ownership of which is transferred, means the day on which the owner transfers the ownership of the dwelling;

(b) in relation to a dwelling that is rented under a residential tenancy agreement, means the day on which a person is entitled to enter into occupation of the dwelling under the agreement;

(ba) in relation to a dwelling that is short-term rental accommodation, means the day on which a person is entitled to enter into occupation of the dwelling under a short-term rental arrangement (as defined in the *Short-Term Rental Accommodation Act 2024* section 4(1));

(c) in relation to a dwelling that is made available for hire, means the day on which the building is hired.

(2) The requirements for the purposes of regulations 56(1)(a), 57(1)(a), 58(a) and 59(a) are that —

(a) the dwelling meets the requirements of the deemed-to-satisfy provisions about smoke alarms or smoke hazard management (other than the provisions about evacuation lighting) of the Building Code applicable at the time of installation of the alarms; and

(b) each smoke alarm necessary to meet those requirements —

(i) if an expiry date is provided on the alarm — has not reached that expiry date; or

(ii) if no expiry date is provided on the alarm — was installed less than 10 years before the relevant day;

and

(c) each smoke alarm referred to in paragraph (b) is in working order; and

(d) if a smoke alarm referred to in paragraph (b) was, at the time of its installation, required to be connected to the mains power supply to meet those requirements —

(i) the alarm is permanently connected to the mains power supply; or

(ii) if the alarm is to be installed at a location in the dwelling where there is no hidden space in which to run the necessary electrical wiring and there is no appropriate alternative location — the alarm has a 10 year life battery that cannot be removed; or

(iii) if, in relation to the alarm, the use of a battery powered smoke alarm has been approved under regulation 61 — the alarm has a 10 year life battery that cannot be removed.

(3) For the purposes of subregulation (2)(a), if the dwelling has 2 or more smoke alarms installed and they were not all installed at the same time, the provisions of the Building Code applicable to the dwelling and the alarms are the provisions applicable at the time that the last alarm necessary to meet the requirements referred to in subregulation (2)(a) and (b) was installed.

(4) Despite subregulation (2)(a) a dwelling is not required to meet a provision of the Building Code applicable at the time of installation of the alarms that requires smoke alarms to be interconnected if —

(a) a building licence for the construction, erection, assembly or placement of the dwelling was issued under the *Local Government (Miscellaneous Provisions) Act 1960* before commencement day; or

(b) a building permit for the construction, erection, assembly or placement of the dwelling was granted on

an application for a building permit made before 1 May 2015; or

(c) a building permit or a building licence was not required for the construction, erection, assembly or placement of the dwelling and the construction, erection, assembly or placement of the dwelling commenced before 1 May 2015.

[Regulation 60 amended: Gazette 24 Apr 2014 p. 1140; 30 Jun 2015 p. 2329; 22 Dec 2017 p. 5973; SL 2024/123 r. 19(6) and (7).]

61. Local government approval of battery powered smoke alarms

(1) The local government of the district in which a dwelling is located may approve of the use, in the dwelling or a part of the dwelling, of a battery powered smoke alarm (rather than one that is connected to the mains power supply) if satisfied that, at the time of giving the approval, installing a smoke alarm connected to the mains power supply would involve —

(a) a sufficient problem of a structural nature; or

(b) a sufficient problem of any other nature, the cause of which is not within the control of the owner.

(2) The local government may give its approval in relation to an alarm that was installed before the approval is to be given.

(3) An application for approval must be made in the manner and form approved by the local government, and must include or be accompanied by —

(a) the plans and information required by the local government; and

(b) the fee set by the local government, which cannot exceed $197.00.

(4) The local government is to be taken to have refused approval if it has not made a decision whether to give approval within 35 days after the later of —

(a) the day on which the person made the application for approval; or

(b) the day on which the person complied with a, or the latest, request by the local government for further plans or information.

[Regulation 61 amended: Gazette 23 Jun 2015 p. 2162; 3 Jun 2016 p. 1754; 23 Jun 2017 p. 3222; SL 2026/95 r. 9.]

62. Requirement to maintain certain smoke alarms

(1) This regulation applies to a person who is one or more of the following —

(a) the lessor (as defined in the *Residential Tenancies Act 1987* section 3) of a dwelling;

(b) the owner of a dwelling that is, or is made available as, short-term rental accommodation;

(c) the owner of a dwelling that is hired or made available for hire.

(2) The lessor or owner must, to the extent practicable, ensure that each smoke alarm installed in the dwelling is in working order.

Penalty for this subregulation: a fine of $5 000.

(3) If a smoke alarm installed in the dwelling was, at the time of its installation, required to be connected to the mains power supply, the lessor or owner must, to the extent practicable, ensure that the alarm is permanently connected to the mains power supply.

Penalty for this subregulation: a fine of $5 000.

(4) If a smoke alarm installed in the dwelling was, at the time of installation, not required to be connected to the mains power supply, the lessor or owner must, to the extent practicable,

ensure that the alarm has a 10 year life battery that cannot be removed.

Penalty for this subregulation: a fine of $5 000.

(5) If an expiry date is provided on a smoke alarm installed in the dwelling, the lessor or owner must, to the extent practicable, ensure that the alarm has not reached that expiry date.

Penalty for this subregulation: a fine of $5 000.

(6) If no expiry date is provided on a smoke alarm installed in the dwelling, the lessor or owner must, to the extent practicable, ensure that the alarm is not more than 10 years old.

Penalty for this subregulation: a fine of $5 000.

[Regulation 62 inserted: SL 2024/123 r. 19(8).]

[Part 9 [1] (r. 63-68) omitted under the Reprints Act 1984 s. 7(4)(e).]

Part 10 — Infringement notices

[Heading inserted: Gazette 18 Dec 2012 p. 6575.]

69. Prescribed offences and modified penalties

(1) The offences specified in Schedule 6 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.

(2) The modified penalty specified opposite an offence in Schedule 6 is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3).

[Regulation 69 inserted: Gazette 18 Dec 2012 p. 6575.]

70. Approved officers and authorised officers

(1A) In subregulation (1) —

specified employee means an employee, as defined in the *Local Government Act 1995* section 1.4, to whom power to perform a function under section 9.19 or 9.20 of that Act is delegated under section 5.44(1) of that Act.

(1) A permit authority that is a local government may, in writing, appoint to be an approved officer for the purposes of the *Criminal Procedure Act 2004* section 6(a), a specified employee of the local government.

(2) A permit authority that is a local government may, in writing, appoint to be an authorised officer for the purposes of the *Criminal Procedure Act 2004* section 6(b), a person appointed under the *Local Government Act 1995* section 9.10(1) and authorised for the purpose of performing functions under section 9.16 of that Act.

(3) A permit authority that is a local government must issue each of its authorised officers a certificate of the person's appointment, and the person must produce the certificate whenever required

to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.

[Regulation 70 inserted: Gazette 18 Dec 2012 p. 6575-6; amended : Gazette 26 Apr 2019 p. 1209-10.]

71. Forms

For the purposes of the *Criminal Procedure Act 2004* Part 2, the forms set out in Schedule 7 are prescribed in relation to the matters specified in those forms.

[Regulation 71 inserted: Gazette 18 Dec 2012 p. 6576.]

Part 11 — Transitional provision for *Building Amendment Regulations 2026*

[Heading inserted: SL 2026/151 r. 4.]

72. Building permit not required for certain building work commenced before commencement

A building permit is not required for building work for which a building permit was not required under Schedule 4 clause 2 items 9 and 9A as in force immediately before the day on which the *Building Amendment Regulations 2026* regulation 3 comes into operation if —

(a) the building work had commenced before that day; or

(b) a contract to carry out the building work was entered into before that day.

[Regulation 72 inserted: SL 2026/151 r. 4.]

Part 12 — Transitional provision for *Building Amendment Regulations (No. 3) 2026*

[Heading inserted: SL 2026/199 r. 6.]

73. Building permit not required for Class 10c buildings or incidental structures commenced before start day

(1) In this regulation —

start day means the day on which the *Building Amendment Regulations (No. 3) 2026* regulation 6 comes into operation.

(2) For the purposes of section 9(b), a building permit is not required for building work for a Class 10c building or incidental structure if —

(a) a building permit was not required for the building work under regulation 41(1) as in force immediately before start day; and

(b) either —

(i) the building work commenced before start day; or

(ii) a contract to carry out the building work was entered into before start day.

[Regulation 73 inserted: SL 2026/199 r. 6.]

Schedule 1 — Estimated value of building work

[r. 3]

1. Terms used

In this Schedule —

GST has the meaning given in the *A New Tax System (Goods and Services Tax) Act 1999* (Commonwealth);

relevant components means —

(a) all goods (including manufactured goods forming part of the work); and

(b) labour; and

(c) services necessary; and

(d) fees payable; and

(e) overheads to be met; and

(f) profit margin.

2. Estimated value of building work

(1) For the purposes of estimating the value of building work —

(a) where the work is to be carried out under a contract and the contract price includes value for at least each of the relevant components — the estimated value of the work is the contract price (including the GST); and

(b) where the work is to be carried out —

(i) other than under a contract; or

(ii) under a contract the contract price for which does not include value for each of the relevant components,

the estimated value of the work is the sum of the value (including the GST) of the relevant components.

(2) If building work includes building work in respect of which a building permit is in effect, the estimated value of the building work is reduced by the estimated value of the building work to which the building permit applies.

3. Estimated value of unauthorised building work

The estimated value of unauthorised building work is the sum of the estimated current value (including GST) of the relevant components.

Schedule 2 — Fees

[r. 11]

[Heading inserted: SL 2026/95 r. 10.]

Division 1 — Applications for building permits, demolition permits

[Heading inserted: SL 2026/95 r. 10.]

Item	Application	Fee
1.	Certified application for a building permit (s. 16(l)) —	
	(a) for building work for a Class 1 or Class 10 building or incidental structure	0.19% of the estimated value of the building work as determined by the relevant permit authority, but not less than $121.00
	(b) for building work for a Class 2 to Class 9 building or incidental structure	0.09% of the estimated value of the building work as determined by the relevant permit authority, but not less than $121.00
2.	Uncertified application for a building permit (s. 16(l))	0.32% of the estimated value of the building work as determined by the relevant permit authority, but not less than $121.00
3.	Application for a demolition permit (s. 16(l)) —	
	(a) for demolition work in respect of a Class 1 or Class 10 building or incidental structure	$121.00
	(b) for demolition work in respect of a Class 2 to Class 9 building	$121.00 for each storey of the building

Item	Application	Fee
4.	Application to extend the time during which a building or demolition permit has effect (s. 32(3)(f))	$121.00

[Division 1 inserted: SL 2026/95 r. 10.]

Division 2 — Application for occupancy permits, building approval certificates

[Heading inserted: SL 2026/95 r. 10.]

Item	Application	Fee
1.	Application for an occupancy permit for a completed building (s. 46)	$121.00
2.	Application for an occupancy permit for an incomplete building (s. 47)	$121.00
3.	Application for modification of an occupancy permit for additional use of a building on a temporary basis (s. 48)	$121.00
4.	Application for a replacement occupancy permit for permanent change of the building's use or classification (s. 49)	$121.00
5.	Application for an occupancy permit for a building in respect of which unauthorised work has been done (s. 51(2))	0.18% of the estimated value of the unauthorised work as determined by the relevant permit authority, but not less than $121.00

Item	Application	Fee
6.	Application for a building approval certificate for a building or an incidental structure in respect of which unauthorised work has been done (s. 51(3))	0.38% of the estimated value of the unauthorised work as determined by the relevant permit authority, but not less than $121.00
7.	Application to replace an occupancy permit for an existing building (s. 52(1))	$121.00
8.	Application for a building approval certificate for an existing building or an incidental structure where unauthorised work has not been done (s. 52(2))	$121.00
9.	Application to extend the time during which an occupancy permit or building approval certificate has effect (s. 65(3)(a))	$121.00

[Division 2 inserted: SL 2026/95 r. 10.]

Division 3 — Other applications

[Heading inserted: SL 2026/95 r. 10.]

Item	Application	Fee
1.	Application as defined in regulation 31 (for each building standard in respect of which a declaration is sought)	$2 160.15

[Division 3 inserted: SL 2026/95 r. 10.]

Schedule 3 — Inspections or tests of systems

[r. 27]

1. Term used: EP

In this Schedule —

EP, followed by a number, means the performance requirement of that description set out in the Building Code.

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

[Schedule 3 amended: Gazette 24 Apr 2014 p. 1141; 26 Mar 2019 p. 946; SL 2022/162 r. 15.]

Schedule 4 — Building work that does not require building permit

[r. 41]

1. Areas where building permit not required for certain work

Table

Column 1 **Local government district**	**Column 2** **Area where building permit not required for building work for Class 10a or 10b building or incidental structure**	**Column 3** **Area where building permit not required for building work for building other than Class 10a or 10b building or incidental structure**
Broomehill-Tambellup	Whole district other than — (a) townsites; (b) Broomehill Suburban Lots 362, 363, 372 to 423, 427 to 432, 438, 445, 446, 603 to 605, 609 and 610; (c) Lots 17 to 24 being portion of Kojonup Location 256; (d) Kojonup Location 1671; (e) Reserves 8163, 10285, 10431 and 17230; (f) area that was district of Tambellup immediately before 1 July 2008	

Column 1 **Local government district**	**Column 2** **Area where building permit not required for building work for Class 10a or 10b building or incidental structure**	**Column 3** **Area where building permit not required for building work for building other than Class 10a or 10b building or incidental structure**
Bruce Rock	Whole district other than townsites	
Carnarvon	Gascoyne-Minilya Ward	
Corrigin	Whole district other than townsite of Corrigin	
Cranbrook	Whole district other than townsites	
Cue	Whole district other than townsites	
Cunderdin	Whole district other than townsites	
Dalwallinu	Whole district other than townsites	
Dandaragan	Whole district other than townsites	
Derby-West Kimberley	Whole district other than townsites	
Dowerin	Whole district other than townsites	

Column 1 **Local government district**	**Column 2** **Area where building permit not required for building work for Class 10a or 10b building or incidental structure**	**Column 3** **Area where building permit not required for building work for building other than Class 10a or 10b building or incidental structure**
Dumbleyung	Whole district other than townsites of Dumbleyung, Kukerin	
Esperance	Whole district other than — (a) townsites; (b) lots measuring 10 ha or less	
Gnowangerup	Whole district other than townsites	
Greater Geraldton	Mullewa Ward other than townsites	
Jerramungup	Areas zoned rural by a local planning scheme	
Kellerberrin	Whole district other than townsites of Kellerberrin, Doodlakine and Baandee	
Kent	Whole district other than townsites of Nyabing, Pingrup	Whole district other than townsites of Nyabing, Pingrup
Kojonup	Whole district other than townsites	

Column 1 **Local government district**	**Column 2** **Area where building permit not required for building work for Class 10a or 10b building or incidental structure**	**Column 3** **Area where building permit not required for building work for building other than Class 10a or 10b building or incidental structure**
Koorda	Whole district other than — (a) townsites; (b) Avon location 16386	
Lake Grace	Whole district other than townsites	
Laverton	Whole district other than townsites	
Leonora	Whole district other than townsites	
Meekatharra	Whole district other than townsites	Whole district other than townsites
Menzies	Whole district other than townsites	
Merredin	Whole district other than townsites of Burracoppin, Hines Hill, Korbel, Merredin, Muntadgin, Nangeenan, Nokaning, Nukarni	
Mingenew	Whole district other than townsites	

Column 1 **Local government district**	**Column 2** **Area where building permit not required for building work for Class 10a or 10b building or incidental structure**	**Column 3** **Area where building permit not required for building work for building other than Class 10a or 10b building or incidental structure**
Moora	Whole district other than townsites	
Morawa	Whole district other than townsites	
Mt Marshall	Whole district other than townsites	
Mt Magnet	Whole district other than townsites	Whole district other than townsites
Mukinbudin	Whole district other than townsites	
Murchison	Whole district	Whole district
Murray	Areas zoned rural by local laws or a local planning scheme	
Narembeen	Whole district other than townsites	
Narrogin	Areas zoned for farming purposes by a local planning scheme	
Nungarin	Whole district other than townsites	

Column 1 **Local government district**	**Column 2** **Area where building permit not required for building work for Class 10a or 10b building or incidental structure**	**Column 3** **Area where building permit not required for building work for building other than Class 10a or 10b building or incidental structure**
Perenjori	Whole district other than — (a) townsites; (b) areas subject to local planning schemes	
Port Hedland	Whole district other than townsites	
Ravensthorpe	Areas zoned general agricultural by a local planning scheme	
Sandstone	Whole district other than townsites in Sandstone Ward	Whole district other than Sandstone Ward
Tammin	Whole district other than townsite of Tammin	
Three Springs	Whole district other than townsites	
Trayning	Whole district other than townsites of Trayning, Kununoppin, Yelbeni	Whole district other than townsites of Trayning, Kununoppin, Yelbeni
Upper Gascoyne	Whole district other than townsites	

Column 1 **Local government district**	**Column 2** **Area where building permit not required for building work for Class 10a or 10b building or incidental structure**	**Column 3** **Area where building permit not required for building work for building other than Class 10a or 10b building or incidental structure**
Wagin	Whole district other than — (a) townsites in Town Ward; (b) Williams loc. 440, 507, 545, 618, 945, 1165 or 5330	
Wandering	Whole district other than — (a) townsite of Wandering; (b) areas zoned rural residential by local laws or a local planning scheme	
West Arthur	Whole district other than townsites	
Wickepin	Whole district other than townsites	
Williams	Whole district other than townsites	
Wiluna	Whole district other than townsite of Wiluna	

Column 1 **Local government district**	**Column 2** **Area where building permit not required for building work for Class 10a or 10b building or incidental structure**	**Column 3** **Area where building permit not required for building work for building other than Class 10a or 10b building or incidental structure**
Wongan-Ballidu	Whole district other than townsites of Wongan Hills, Ballidu, Cadoux, Kondut, Burakin	Whole district other than townsites of Wongan Hills, Ballidu, Cadoux, Kondut, Burakin
Woodanilling	Whole district other than townsite of Woodanilling	
Yalgoo	Whole district other than townsites	
Yilgarn	Whole district other than townsites	Whole district other than townsites

[Clause 1 amended: Gazette 22 Dec 2017 p. 5973-4; SL 2026/199 r. 7.]

2. Kinds of building work for which a building permit is not required

In this clause —

fall prevention barrier means a barrier that a performance requirement set out in the Building Code requires to be provided where people could fall;

fence includes a fence that is, or is part of, a pool barrier;

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);

pergola means an open structure that does not have a roof but may have a covering of open weave permeable material.

Table

Item	Description of building work for which building permit is not required
1.	Construction, erection, assembly or placement of a freestanding Class 10a building that — (a) has a floor area not exceeding 10 m^2; and (b) is no more than 2.4 m in height; and (c) is not located in wind region C or D as defined in AS 1170.2.
2.	Renovation, alteration, improvement, repair or maintenance of a building or incidental structure if the building work — (a) will not adversely affect the structural soundness of the building or incidental structure and does not include — (i) an increase or decrease in the floor area or height of the building or incidental structure; or (ii) underpinning or replacement of footings; or (iii) the removal or alteration of any element of the building or incidental structure that is contributing to the support of any other element of the building or incidental structure;

Item	Description of building work for which building permit is not required
	and (b) is done using materials commonly used for the same purpose as the material being replaced; and (c) will not change the use or classification of the building or incidental structure; and (d) will not adversely affect the safety and health of the occupants or other users of the building or incidental structure or of the public; and (e) will not affect the way in which the building or incidental structure complies with each building standard that applies to the building or incidental structure; and (f) is not work of a kind to which section 76, 77, 78 or 79 relates; and (g) is not subject to a protection order, heritage works permit, repair notice or repair order.
3.	Construction, erection, assembly or placement of a temporary office, shed or sanitary facility to be used by a builder in connection with building work carried out on the land on which the office, shed or sanitary facility is, or is proposed to be, located.
4.	Construction, erection, assembly or placement of a fence, screen or similar structure, other than a fall prevention barrier, if — (a) the fence, screen or similar structure is constructed in accordance with a local law made under the Local Government Act 1995 section 9.60 that applies to the construction of the fence, screen or similar structure in the district in which the fence, screen or similar structure is, or is to be, located; or

Item	Description of building work for which building permit is not required
	(b) the fence, screen or similar structure is, or is to be, located in a district in which there is no local law of a type referred to in paragraph (a) and the fence, screen or similar structure — (i) if constructed of masonry — is no more than 0.75 m in height; and (ii) if constructed of a material other than masonry — is no more than 1.8 m in height; and (iii) is not located in wind region C or D as defined in AS 1170.2.
5.	Construction, erection, assembly or placement of a mast, antenna or similar structure that — (a) is not located in wind region C or D as defined in AS 1170.2; and (b) if attached to a building — (i) is no more than 2 m in height above the highest point of attachment to the building; and (ii) will not affect the way in which the building complies with each building standard that applies to the building; and (c) if not attached to a building, is no more than 3 m in height.
6.	Construction, erection, assembly or placement of a retaining wall that — (a) retains ground no more than 0.5 m in height; and (b) is not associated with other building work or with the protection of land adjoining the land on which the retaining wall is located; and (c) is not work of a kind to which section 76, 77, 78 or 79 relates.

Item	Description of building work for which building permit is not required
7.	Construction, erection, assembly or placement of a pergola associated with a Class 1 building that — (a) is no more than 2.4 m in height; and (b) is not located in wind region C or D as defined in AS 1170.2; and (c) covers an area not exceeding 20 m^2.
8.	Construction, erection, assembly or placement of a water storage tank with a capacity of 5 000 L or less.
9.	Building work for — (a) a structure that — (i) is fitted or designed for human habitation; and (ii) is located at a caravan park (as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1)) in relation to which a licence is granted under that Act; and (iii) was a vehicle in respect of which a vehicle licence was not required under the *Road Traffic (Vehicles) Act 2012* section 4, because, due to its size, it could not be drawn by another vehicle on a road (as defined in the *Road Traffic (Administration) Act 2008* section 4); or (b) an attachment to a structure referred to in paragraph (a) that — (i) is used as an extension of the habitable area of that structure; and (ii) has walls and a roof and can be assembled or dismantled within 24 hours by no more than 2 people.

Item	Description of building work for which building permit is not required
9A.	Building work for — (a) a structure that — (i) is not a vehicle, train, vessel or aircraft; and (ii) is moveable or capable of movement; and (iii) is fitted or designed for habitation; and (iv) is located at a caravan park (as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1)) in relation to which a licence is granted under that Act; and (v) immediately prior to 1 July 2019 was located at a place with an approval purportedly given under the *Caravan Parks and Camping Grounds Regulations 1997* regulation 30(1) for the structure to be brought onto the place; or (b) an attachment to a structure referred to in paragraph (a) that — (i) is used as an extension of the habitable area of that structure; and (ii) has walls and a roof and can be assembled or dismantled within 24 hours by no more than 2 people.
10.	Attachment of photovoltaic panels or solar hot water systems to the roof of a Class 1 or Class 10a building that is not located in wind region C or D as defined in AS 1170.2.

Item	Description of building work for which building permit is not required
11.	Building work for which a building licence was not required under the former provisions if, before commencement day — (a) the on-site building work had commenced; or (b) a contract to carry out the building work was entered into.
12.	Building work for buildings owned or occupied by, or under the control or management of the Crown in right of the State or a department, agency or instrumentality of the Crown in right of the State that — (a) commences before 30 June 2017; and (b) has, when it commences, an estimated value of less than $50 000.
13.	The installation of a roof mounted evaporative cooling unit on a building or incidental structure if — (a) the building or incidental structure is not located in a bush fire prone area; or (b) the building is a Class 4 to Class 9 building (other than a Class 9 vulnerable use building); or (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;

Item	Description of building work for which building permit is not required
	(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 (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.

[Clause 2 amended: Gazette 15 Jun 2012 p. 2515; 18 Dec 2012 p. 6576; 24 Apr 2014 p. 1141; 5 Apr 2016 p. 1021; 15 Apr 2016 p. 1172; SL 2020/11 r. 4; SL 2023/208 r. 19; SL 2024/49 r. 8; SL 2025/34 r. 12; SL 2025/62 r. 14; SL 2026/151 r. 5.]

Schedule 5 — Areas of State where Part 8 Division 2 applies

[r. 49]

Table

Column 1 Local government district	Column 2 Areas of State where Part 8 Division 2 applies
Albany	Whole district
Armadale	Whole district
Augusta-Margaret River	Whole district
Bassendean	Whole district
Bayswater	Whole district
Belmont	Whole district
Beverley	Whole district
Boddington	All townsites and areas zoned residential, rural residential or special use by a local planning scheme
Bridgetown-Greenbushes	Whole district
Brookton	Whole district
Bunbury	Whole district
Busselton	Whole district
Cambridge	Whole district
Canning	Whole district
Capel	Whole district
Carnarvon	Whole district
Chapman Valley	Whole district
Claremont	Whole district
Cockburn	Whole district
Collie	Whole district
Coorow	Whole district

Column 1 **Local government district**	**Column 2** **Areas of State where Part 8 Division 2 applies**
Cottesloe	Whole district
Dardanup	Whole district
Derby-West Kimberley	Whole district
Donnybrook-Balingup	Whole district
Dumbleyung	Whole district
East Fremantle	Whole district
Esperance	All townsites and lots measuring 10 ha or less
Fremantle	Whole district
Gingin	Whole district
Gosnells	Whole district
Greater Geraldton	Whole district except areas in Mullewa Ward that are not townsites
Halls Creek	All townsites and area subject to the Shire of Halls Creek local planning scheme
Harvey	All townsites and areas zoned residential or rural residential in the Shire of Harvey local planning scheme
Irwin	Whole district
Jerramungup	Whole district except areas zoned rural by a local planning scheme
Joondalup	Whole district
Kalamunda	Whole district
Kalgoorlie-Boulder	Whole district
Katanning	Whole district
Kellerberrin	Townsites of Kellerberrin, Doodlakine and Baandee
Kent	Townsites of Nyabing, Pingrup

Column 1 **Local government district**	**Column 2** **Areas of State where Part 8 Division 2 applies**
Koorda	Whole district
Kwinana	Whole district
Mandurah	Whole district
Manjimup	Whole district
Melville	Whole district
Merredin	Townsites of Burracoppin, Hines Hill, Korbel, Merredin, Muntadgin, Nangeenan, Nokaning, Nukarni
Mingenew	Whole district
Mosman Park	Whole district
Mundaring	Whole district
Murchison	None
Murray	Whole district
Nedlands	Whole district
Northam	Whole district
Northampton	Whole district
Peppermint Grove	Whole district
Perth	Whole district
Pingelly	Whole district
Plantagenet	Whole district
Quairading	Whole district
Ravensthorpe	Whole district except areas zoned general agricultural by a local planning scheme
Rockingham	Whole district
Sandstone	Sandstone Ward
Serpentine-Jarrahdale	Whole district
South Perth	Whole district

Column 1 **Local government district**	**Column 2** **Areas of State where Part 8 Division 2 applies**
Stirling	Whole district
Subiaco	Whole district
Swan	Whole district
Tammin	Townsite of Tammin
Trayning	Townsites of Trayning, Kununoppin, Yelbeni
Victoria Park	Whole district
Vincent	Whole district
Wagin	Whole district
Wandering	Whole district
Wanneroo	Whole district
Waroona	Whole district
West Arthur	Whole district
Williams	Whole district
Wiluna	Townsite of Wiluna
Wongan-Ballidu	Townsites of Wongan Hills, Ballidu, Cadoux, Kondut, Burakin
Woodanilling	Whole district
Wyalkatchem	Whole district
Wyndham-East Kimberley	Whole district
York	Whole district
All other districts	All townsites

[Schedule 5 amended: Gazette 24 Apr 2014 p. 1141; 22 Dec 2017 p. 5974-5; SL 2026/44 r. 8(1), (3) and (4).]

Schedule 6 — Prescribed offences and modified penalties

[r. 69]

[Heading inserted: Gazette 26 Apr 2019 p. 1210.]

Division 1 — Offences under the Act

[Heading inserted: Gazette 26 Apr 2019 p. 1210.]

Offence under the Act		Modified penalty
s. 33(1)	Failure to give notice of completion	$500
s. 34(3)	Failure to give notice of cessation	$250
s. 42	Failure to display or bring attention to occupancy permit details	$250
s. 76(1)	Encroachment beyond boundaries without consent, court order or other authority	$2 500
s. 80(1)	Removal of fence, gate or other barrier to land without consent, court order or other authority	$1 000
s. 80(3)	Failure to erect adequate temporary barrier	$1 000

[Division 1 inserted: Gazette 26 Apr 2019 p. 1210.]

Division 2 — Offences under these regulations

[Heading inserted: Gazette 26 Apr 2019 p. 1210.]

Offence under these regulations		Modified penalty
r. 50(2)	Failure to install compliant pool barrier around private swimming pool	$1 000
r. 56(1)	Failure to ensure smoke alarms compliant prior to transfer of dwelling	$1 000

Offence under these regulations		Modified penalty
r. 58	Failure to ensure smoke alarms compliant prior to tenancy	$1 000
r. 59	Failure to ensure smoke alarms compliant prior to hire of dwelling	$1 000

[Division 2 inserted: Gazette 26 Apr 2019 p. 1210; amended: SL 2025/34 r. 13.]

Schedule 7 — Forms

[r. 71]

[Heading inserted: Gazette 18 Dec 2012 p. 6577.]

Form 1 — Infringement notice

<table>
<tr><td colspan="4">*Building Act 2011*
Building Regulations 2012
INFRINGEMENT NOTICE</td><td>Infringement notice no.</td></tr>
<tr><td rowspan="4">Alleged offender</td><td rowspan="2">Name</td><td colspan="3"></td></tr>
<tr><td colspan="3"></td></tr>
<tr><td rowspan="2">Address</td><td colspan="3"></td></tr>
<tr><td colspan="3"></td></tr>
<tr><td rowspan="6">Details of alleged offence</td><td>Date or period</td><td colspan="3"></td></tr>
<tr><td>Place</td><td colspan="3"></td></tr>
<tr><td>Written law contravened</td><td colspan="3"></td></tr>
<tr><td rowspan="2">Details of offence</td><td colspan="3"></td></tr>
<tr><td colspan="3"></td></tr>
<tr><td>Date</td><td>Date of notice</td><td colspan="3"></td></tr>
<tr><td rowspan="3">Issuing officer</td><td>Name</td><td colspan="3"></td></tr>
<tr><td>Office</td><td colspan="3"></td></tr>
<tr><td>Signature</td><td colspan="3"></td></tr>
<tr><td>Modified penalty</td><td colspan="4">$_____</td></tr>
<tr><td rowspan="2">Penalty</td><td>Individual</td><td>$_____</td><td rowspan="2">You do not have to pay this amount. This is the maximum fine that can be imposed if you are prosecuted in a court and convicted of this offence.</td></tr>
<tr><td>Body corporate</td><td>$_____</td></tr>
</table>

Form 1

<table>
<tr><td>TAKE NOTICE</td><td colspan="2">It is alleged that you have committed the above offence.

If you do not want to be prosecuted in court for the offence, pay the modified penalty to the Approved Officer within 28 days after the date of this notice.

If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If you need more time to pay the modified penalty, you should contact the Approved Officer at the address below.

Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal court case.

If you want this matter to be dealt with by prosecution in court, sign and date here:
_____ / /20
and post this notice to the Approved Officer at the address below within 28 days after the date of this notice.

If you consider that you have good reason to have this notice withdrawn, you can write to the Approved Officer at the address below requesting that this notice be withdrawn and setting out why you consider that this notice should be withdrawn. Your letter must be received not later than 28 days after the date of this notice.</td></tr>
<tr><td>How to pay</td><td>By post</td><td>Tick the relevant box below and post this notice to:

Approved Officer — Building Act 2011

[Address]</td></tr>
</table>

		☐ I want to pay the modified penalty. A cheque or money order (payable to 'Approved Officer' — *Building Act 2011*) for the modified penalty is enclosed. ☐ I want to pay the modified penalty by credit card. Please debit my credit card account. Card type _____ Cardholder name _____ Card number [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] Expiry date of card _____/_____ Amount $_____ Signature _____ **Complete all details**		
	In person	Pay the cashier at: [*Address*]		
Method of service			**Date of service**	

[Form 1 inserted: Gazette 18 Dec 2012 p. 6577-80; amended: Gazette 20 Aug 2013 p. 3822; 26 Apr 2019 p. 1211; SL 2020/163 r. 6.]

Form 2 — Withdrawal of infringement notice

Building Act 2011 *Building Regulations 2012* **WITHDRAWAL OF INFRINGEMENT NOTICE**			Withdrawal no.
Alleged offender	Name		
	Address		
Details of infringement notice	Infringement notice no.		
	Date of issue		
Details of alleged offence	Date or period		
	Place		
	Written law contravened		
	Details of offence		
Approved Officer withdrawing notice	Name		
	Office		
	Signature		
Date	Date of withdrawal		

<table>
<tr><td>Withdrawal of infringement notice
[*Delete whichever is not applicable]</td><td colspan="3">The above infringement notice issued against you for the above alleged offence has been withdrawn.
If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.
* Your refund is enclosed
or
* If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to:
Approved Officer — Building Act 2011
[Address]</td></tr>
<tr><td>Your signature</td><td></td><td>Date</td><td></td></tr>
</table>

[Form 2 inserted: Gazette 18 Dec 2012 p. 6580-1; amended: Gazette 26 Apr 2019 p. 1211.]

Notes

This is a compilation of the *Building Regulations 2012* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Citation	Published	Commencement
Building Regulations 2012	13 Mar 2012 p. 1055-137	r. 1 and 2: 13 Mar 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Apr 2012 (see r. 2(b) and *Gazette* 13 Mar 2012 p. 1033)
Building Amendment Regulations 2012	15 Jun 2012 p. 2513-15	r. 1 and 2: 15 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Jun 2012 (see r. 2(b))
Building Amendment Regulations (No. 3) 2012	30 Nov 2012 p. 5782-3	r. 1 and 2: 30 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Dec 2012 (see r. 2(b))
Building Amendment Regulations (No. 2) 2012	18 Dec 2012 p. 6555-81	r. 1 and 2: 18 Dec 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Dec 2012 (see r. 2(b) and *Gazette* 18 Dec 2012 p. 6585)
Reprint 1: The *Building Regulations 2012* as at 24 May 2013 (includes amendments listed above)		
Building Amendment Regulations (No. 2) 2013	21 Jun 2013 p. 2445-6	r. 1 and 2: 21 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 22 Jun 2013 (see r. 2(b))
Building Amendment Regulations 2013	20 Aug 2013 p. 3822	r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and *Gazette* 20 Aug 2013 p. 3815)
Building Amendment Regulations 2014	24 Apr 2014 p. 1135-41	r. 1 and 2: 24 Apr 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Apr 2014 (see r. 2(b))

Citation	Published	Commencement
Building Amendment Regulations (No. 2) 2014	17 Jun 2014 p. 1957-8	r. 1 and 2: 17 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b))
Building Amendment Regulations (No. 3) 2014	27 Jun 2014 p. 2308-9	r. 1 and 2: 27 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b)(i))
Reprint 2: The *Building Regulations 2012* as at 21 Nov 2014 (includes amendments listed above)		
Building Amendment Regulations (No. 4) 2015	23 Jun 2015 p. 2161-4	r. 1 and 2: 23 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
Building Amendment Regulations (No. 2) 2015	30 Jun 2015 p. 2328-9	r. 1 and 2: 30 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
Building Amendment Regulations 2015	15 Sep 2015 p. 3783-4	r. 1 and 2: 15 Sep 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Oct 2015 (see r. 2(b))
Building Amendment Regulations (No. 3) 2015	7 Dec 2015 p. 4897-901	r. 1 and 2: 7 Dec 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Dec 2015 (see r. 2(b) and *Gazette* 7 Dec 2015 p. 4881)
Building Amendment Regulations 2016	5 Apr 2016 p. 1015-21	r. 1 and 2: 5 Apr 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Apr 2016 (see r. 2(b))
Building Amendment Regulations (No. 2) 2016	15 Apr 2016 p. 1165-72	r. 1 and 2: 15 Apr 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 1 May 2016 (see r. 2(b))
Commerce Regulations Amendment (Fees and Charges) Regulations 2016 Pt. 5	3 Jun 2016 p. 1745-73	1 Jul 2016 (see r. 2(b))
Reprint 3: The *Building Regulations 2012* as at 12 Aug 2016 (includes amendments listed above)		

Citation	Published	Commencement
Commerce Regulations Amendment (Public Health) Regulations 2016 Pt. 2	10 Jan 2017 p. 181-4	24 Jan 2017 (see r. 2(b) and *Gazette* 10 Jan 2017 p. 165)
Building Amendment Regulations 2017	7 Feb 2017 p. 1160-2	r. 1 and 2: 7 Feb 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Feb 2017 (see r. 2(b))
Commerce Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 4	23 Jun 2017 p. 3213-52	1 Jul 2017 (see r. 2(b))
Building Regulations Amendment Regulations 2017 Pt. 2	8 Aug 2017 p. 4343-5	9 Aug 2017 (see r. 2(b))
Building Amendment Regulations (No. 3) 2017	22 Dec 2017 p. 5971-5	r. 1 and 2: 22 Dec 2017 (see r. 2(a)); Regulations other than r. 1, 2, 5-8, 9(2), (3) and (5) and 11: 23 Dec 2017 (see r. 2(c)); r. 5-8, 9(2), (3) and (5) and 11: 23 Jan 2018 (see r. 2(b))
Building Amendment Regulations 2018	9 Mar 2018 p. 799-800	r. 1 and 2: 9 Mar 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Mar 2018 (see r. 2(b))
Building Amendment Regulations (No. 2) 2018	5 Oct 2018 p. 4013-16	r. 1 and 2: 5 Oct 2018 (see r. 2(a)); Regulations other than r. 1 and 2: 6 Oct 2018 (see r. 2(b))
Building Amendment Regulations 2019	26 Mar 2019 p. 943-6	r. 1 and 2: 26 Mar 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 1 May 2019 (see r. 2(b))
Commerce Regulations Amendment (Infringement Notices) Regulations 2019 Pt. 2	26 Apr 2019 p. 1209-22	27 Apr 2019 (see r. 2(b))
Commerce Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 4	18 Jun 2019 p. 2077-115	1 Jul 2019 (see r. 2(b))
Building Amendment Regulations (No. 2) 2019	2 Aug 2019 p. 2990-1	r. 1 and 2: 2 Aug 2019 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Aug 2019 (see r. 2(b))

Citation	Published	Commencement
Reprint 4: The *Building Regulations 2012* as at 1 Nov 2019 (includes amendments listed above)		
Commerce Regulations Amendment (Strata Titles) Regulations 2019 Pt. 2	31 Dec 2019 p. 4637-46	1 May 2020 (see r. 2(b) and SL 2020/39 cl. 2)
Building Amendment Regulations 2020	SL 2020/11 3 Mar 2020	r. 1 and 2: 3 Mar 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Mar 2020 (see r. 2(b) and SL 2020/12 r. 7)
Building Amendment Regulations (No. 2) 2020	SL 2020/28 31 Mar 2020	r. 1 and 2: 31 Mar 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Apr 2020 (see r. 2(b))
Building Amendment Regulations (No. 3) 2020	SL 2020/46 24 Apr 2020	r. 1 and 2: 24 Apr 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Apr 2020 (see r. 2(b))
Commerce Regulations Amendment (Infringement Notices) Regulations 2020 Pt. 3	SL 2020/163 25 Sep 2020	29 Sep 2020 (see r. 2(b) and SL 2020/159 cl. 2(a))
Building Amendment Regulations (No. 5) 2020	SL 2020/192 9 Oct 2020	r. 1 and 2: 9 Oct 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Oct 2020 (see r. 2(b))
Building Amendment Regulations 2021	SL 2021/42 13 Apr 2021	r. 1 and 2: 13 Apr 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 1 May 2021 (see r. 2(b))
Commerce Regulations Amendment (Fees and Charges) Regulations 2021 Pt. 5	SL 2021/86 21 Jun 2021	1 Jul 2021 (see r. 2(b))
Commerce Regulations Amendment (Swan Valley Planning Scheme) Regulations 2021 Pt. 2	SL 2021/130 16 Jul 2021	1 Aug 2021 (see r. 2(b) and SL 2021/124 cl. 2)
Commerce Regulations Amendment (Work Health and Safety) Regulations 2022 Pt. 2	SL 2022/26 11 Mar 2022	31 Mar 2022 (see r. 2(b) and SL 2022/18 cl. 2)
Building Amendment Regulations (No. 2) 2022	SL 2022/162 23 Sep 2022	r. 1 and 2: 23 Sep 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 1 May 2023 (see r. 2(b))

Citation	Published	Commencement
Building Amendment Regulations (No. 2) 2023	SL 2023/146 20 Sep 2023	r. 1 and 2: 20 Sep 2023 (see r. 2(a)); r. 4(1): 21 Sep 2023 (see r. 2(b)); Regulations other than r. 1, 2 and 4(1): 1 Oct 2023 (see r. 2(c))
Building Amendment Regulations 2023	SL 2023/208 20 Dec 2023	Pt. 1: 20 Dec 2023 (see r. 2(a)); Pt. 2: 21 Dec 2023 (see r. 2(b)); Regulations other than Pt. 1 and 2: 20 Jun 2024 (see r. 2(c))
Building Amendment Regulations 2024	SL 2024/49 17 Apr 2024	r. 1 and 2: 17 Apr 2024 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Apr 2024 (see r. 2(b))
Short-Term Rental Accommodation Regulations 2024 r. 19	SL 2024/123 26 Jun 2024	1 Jul 2024 (see r. 2 and SL 2024/88 cl. 2(a))
Building Amendment Regulations 2025	SL 2025/34 5 Feb 2025	r. 1 and 2: 5 Feb 2025 (see r. 2(a)); Regulations other than r. 1 and 2: 6 Feb 2025 (see r. 2(b))
Building Amendment Regulations (No. 2) 2025	SL 2025/62 16 Apr 2025	r. 1 and 2: 16 Apr 2025 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Apr 2025 (see r. 2(b))
Building Amendment Regulations (No. 2) 2026 (other than r. 7 and 8(2))	SL 2026/44 15 Apr 2026	r. 1 and 2: 15 Apr 2026 (see r. 2(a)); r. 3 and 8(1), (3) and (4): 16 Apr 2026 (see r. 2(b)); r. 4, 5 and 6: 1 May 2026 (see r. 2(c))
Commerce Regulations Amendment (Fees and Charges) Regulations 2026 Pt. 4	SL 2026/95 10 Jun 2026	1 Jul 2026 (see r. 2(c))
Building Amendment Regulations 2026	SL 2026/151 22 Jul 2026	r. 1 and 2: 22 Jul 2026 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Jul 2026 (see r. 2(b))
Building Amendment Regulations (No. 3) 2026	SL 2026/199 1 Oct 2026	r. 1 and 2: 1 Oct 2026 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Nov 2026 (see r. 2(b))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA legislation website.

Citation	Published	Commencement
Building Amendment Regulations (No. 2) 2026 r. 7 and 8(2)	SL 2026/44 15 Apr 2026	15 Apr 2027 (see r. 2(d))

Other notes

[1] Part 9 (r. 63-68) expired on the day that is one year after 2 April 2012. Part 9 was omitted under the *Reprints Act 1984* s. 7(4)(e).

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
10 year life battery	55(1)
access	48
applicable technical aspects	47(1A)
application	31, 40(1)
approved alternative building solution	55(1)
approved alternative requirement	48
approved barrier solution	3
approved door	48
architectural feature	44A
AS	3
AS 1926.1-1993	3
AS 1926.1-2012	3
AS 3959	3
assessment method	3
BAL	3
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Building Code	3, 3A(1)
Building Code pool barrier requirement	3
building product	31J(1)
building site	3
bush fire performance requirement	3
bush fire prone area	3
bush fire standard	31BA(1A)
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C1V3	3
Class	3
Class 9 vulnerable use building	3
CodeMark certificate	31J(1)
commencement date	31HA(1)
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debris criteria	31HA(1)
decision	33(1)
declaration of intended demolition	55(1)
deemed-to-satisfy solution	3
dwelling	55(1)
earlier edition	31A(4), 31IA(5)
early childhood centre	3
electrician	55(1)
EP	Sch. 3 cl. 1

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exempt remedial work ..... 31HA(1)
existing building or incidental structure ..... 31HA(1)
expiry day ..... 23(1), 40(1)
external wall ..... 31HA(1)
fall prevention barrier ..... Sch. 4 cl. 2
fence ..... Sch. 4 cl. 2
FES Commissioner 3
fire resistance performance requirement 3
former provisions 3
GST ..... Sch. 1 cl. 1
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item 13(d) building or incidental structure ..... Sch. 4 cl. 2
item 13(e) building or incidental structure ..... Sch. 4 cl. 2
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performance solution 3
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person with a disability ..... 51(1)
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private swimming pool 3
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re-inspection ..... 53A(1)
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relevant edition of the Building Code 3
relevant inspection ..... 53(2)

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renovation, alteration, extension, improvement or repair .....31BA(1A)
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repair order.....3
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residential tenancy agreement.....55(1)
road ..... 10(1A), 44A
safety measures ..... 48A(1)
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short-term rental accommodation ..... 55(1)
sole-occupancy unit 3
specified employee ..... 70(1A)
specified Part 8 provisions ..... 4A(1)
start day.....73(1)
Statistician..... 14A(1)
strata leasehold estate..... 10(1A)
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work ..... 54A(1)
WorkSafe Commissioner ..... 14A(1)
young child 48

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