



Sunsetting of Victoria's Building Regulations 2006

The *Building Regulations 2006* play a vital role in the design, construction and standards of building projects across Victoria, with implications for the registration and qualifications of practitioners.

As the peak body representing employers in the building and construction industry, with a membership of more than 9500 builders, subcontractors, manufacturers, suppliers and students, the Master Builders Association of Victoria (Master Builders) is uniquely placed to comment on the effectiveness of the current regulations, which will help inform the drafting of the new *Building Regulations 2016*.

Regulation 1003(1)(b)

Master Builders recommends this regulation be removed, as the requirement for report and consent of the Chief Officer for occupancy permit applications involving the transmission of the alarm to monitoring services creates unnecessary red tape.

Brigades have not monitored alarms since this service was privatised, and alarms are now digitally transmitted via an ASE, with an Alarm Connection Certificate provided by the monitoring service.

Regulation 113(c)

This regulation allows a relevant building surveyor without a Graduate Certificate in Performance Based B&F codes to accept an alternative solution for a fire performance requirement by relying on a certificate issued by another registered building surveyor.

Master Builders calls for this loop-hole to be closed, by requiring the second building surveyor to hold the necessary qualifications.

Regulation 414(4)

In regulating the setback of buildings from side and rear boundaries, low level decks constructed between an external wall and a side boundary require report and consent from the council.

Master Builders recommends a clause be included that allows decks less than 800mm high to be constructed between an external wall and side or rear boundary.

Regulation 603

Master Builders calls for this regulation to be removed. Failure to require an owner to carry out protection works on an adjoining property providing they have dual certification from independent engineers, and the relevant building surveyor is satisfied that the building work will not adversely affect the adjoining property, denies the adjoining owner any right to review the work on the boundary.

This provision is often misused by engineers who focus only on the structural design of the building work, without consideration of implications on the adjoining property or the method of construction to carry out the building work.

Regulation 1003(1)(a)

This regulation requires further report and consent of the Chief Officer prior to the issue of an occupancy permit, where the brigade issued a Regulation 309 report.

Master Builders believes this creates unnecessary duplication of process. It adds no value to the consideration of tested systems and consent is not



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required for the majority of buildings that do not require a Regulation 309 report.

We therefore recommend this regulation be removed, or limited to cases where the conditions in a Regulation 309 report have not been met.

Regulation 901(1)

By nominating mandatory notification stages, this regulation leaves a significant gap between framework and final inspections of building work.

Master Builders calls for the introduction of additional stages for waterproofing of wet-areas or balconies, and fire-rating of light-weight construction and penetrations as these areas are subject to high numbers of defects and can have catastrophic effects when they fail. Additional inspections will improve workmanship in vital areas of construction.

Schedule 7

This schedule sets out the categories and classes of Building Practitioners.

Master Builders believes those in the Domestic Builder (Managers) category are failing to widely use registered practitioners to carry out structural works for which they are not qualified to supervise. We recommend eliminating the category of Domestic Builder - Manager, and introducing mandatory registration of tradespeople such as concretors, carpenters and bricklayers. This will further enable such trades to enter into major domestic building contracts with Owner Builders, providing improved consumer protection.

Master Builders also recommends the introduction of

new categories for fire services testers and soil testers.

Fire services tester's commission vital fire safety installations including sprinklers, fire hydrants and smoke detection systems. Reliance on their reports ought to be backed by registration to ensure they have the necessary expertise. Soil testers also provide reports upon which the structural design is dependent and should be held accountable through registration.

Regulation 904(d) and 905(d)

These regulations require building notices and orders to include the date of inspection by the relevant building surveyor.

Master Builders calls for the words "by the relevant building surveyor" to be removed, as it is unnecessarily costly and time consuming to require the registered building surveyor to inspect all cases before issuing a building notice or order.

Part 3, Division 1: Building Permit Applications

Master Builders calls for the introduction of new regulations to establish a minimum building permit fee for new dwellings of, for example \$1800 or 1 per cent of cost of work, whichever is less. There should also be a requirement that the application fee for the building permit be paid prior to the permit being issued.

This would help increase resources to improve the inspection of building works, and discourage builders from shopping around for the minimum service, resulting in improved consumer protection.

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