



# Building Regulations Amendment Regulations 2017

The Building Regulations Amendment Regulations 2017 (the Amendment Regulations) were published in the Government Gazette on Tuesday 8 August 2017 and came into operation on Wednesday 9 August 2017. The Amendment Regulations can be accessed on the Parliamentary Counsel's Office website at [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au).

## The key Amendment Regulations

**Regulation 4** replaces the definition of alternative solution in regulation 3 of the Building Regulations with a definition of performance solution. Apart from this change of terminology, the provisions in the definition remain the same. This amendment:

- matches a terminology change in the Building Code of Australia (Building Code), the purpose of which was to promote the performance nature of the Building Code and to engender a performance mindset in the building and construction industry; and
- ensures that the Building Regulations are consistent with the Building Code.

**Regulation 5** amends regulation 5 of the Building Regulations to clarify the restrictions on the types of buildings and incidental structures in relation to which a building surveying practitioner level 2 or a building surveying practitioner technician may sign a compliance certificate under the Building Act 2011. The intent is to put beyond doubt that such building surveyors are able to certify any residential (Class 1 or Class 10) building or incidental structure, as well as commercial (Class 2 to 9) buildings or structures up to the existing floor area and storey restrictions in regulation 5. These amendments also make clear that the floor and storey restrictions do not apply to (and are not appropriate for) residential structures such as retaining walls and swimming pools.

**Regulation 6** amends regulation 19(2)(c) of the Building Regulations, which requires demolition contractors to notify specified service providers about a proposed demolition prior to the granting of a demolition permit application. The amendment deletes the requirement for demolition contractors to notify telephone and water service providers.

Please note that this change is only relevant to applications for a demolition permit under the Building Act 2011. It does not remove the need to provide such notifications under any other relevant legislation, in particular the notification to the Water Corporation of any proposed demolition required under section 82 of the Water Services Act 2012. Please contact the Water Corporation or the relevant local government if you require further information.

**Regulation 7** amends regulation 311(2)(b) of the Building Regulations, which prescribes building standards for demolitions. This amendment matches the change to regulation 6 by removing the requirement for demolition contractors to give notifications to telephone and water service providers prior to lodging a demolition permit application.

**Regulation 8** amends various regulations listed in the table by replacing references to alternative solution with references to performance solution. This matches regulation 4 of the Amendment Regulations.

**Regulation 9** provides that Part 3 of the Amendment Regulations amends the Building Services (Registration) Regulations 2011 (Registration Regulations).

**Regulation 10** makes a consequential amendment to the definition of 'building surveying work level 2' in regulation 28A of the Registration Regulations. This definition prescribes the type of building work that a building surveyor registered at that level can certify. The amendment ensures that the scope of building surveying work level 2 in the Registration Regulations matches the scope of building work prescribed in the Building Regulations which a building surveying practitioner level 2 may certify.

**Disclaimer**

The information contained in this bulletin is provided as general information only and should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

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