



Building Amendment Regulations 2018

The **Building Amendment Regulations 2018 (the Amendment Regulations)** were published in the **Government Gazette** on **Friday 9 March 2018**. The Amendment Regulations can be accessed on the State Law Publisher's website www.slp.wa.gov.au

The key Amendment Regulations are outlined below:

Regulation 2 provides that specified regulations come into operation the day after they are published in the Government Gazette (taking effect on Saturday 10 March 2018).

Regulation 3 provides that the Amendment Regulations amend the Building Regulations 2012 (the Regulations).

Regulation 5 amends regulation 31BA to extend until 1 May 2019 the transitional exemption from the Building Code of Australia (BCA) bush fire construction requirements for certain minor alterations and extensions in designated bush fire prone areas.

This transitional provision was introduced in 2016 to assist the implementation of bush fire reforms. Regulation 31BA now provides that, until 1 May 2019, the renovation, alteration, extension, improvement or repair of certain residential buildings in designated bush fire prone areas does not need to comply with the BCA bush fire construction requirements if it complies with one of the following options:

Option 1: The estimated value of the renovation, alteration, extension, improvement or repair is less than \$20,000.

Option 2: The renovation, alteration, extension, improvement or repair does not increase the risk of ignition from bush fire attack for the existing building.

Regulations 4 and 6 amend regulations 31A and 31D respectively to temporarily make ongoing transitional arrangements inapplicable until 11 March 2019. These ongoing transitional provisions normally allow the building standards for new and relocated buildings to be those in the BCA edition published 12 months prior to making a building permit application or, in the case of a relocated building, the time the most recent building permit application was made.

Due to recently identified significant health and safety risks to the community from external composite cladding on buildings, the Australian Building Codes Board will publish a new edition of the BCA on 12 March 2018 in the form of amendments which are automatically incorporated into it on publication. This new edition will amend the fire resistance provisions in Section C of the BCA Volume One. These amendments are intended to urgently put beyond doubt the BCA's requirement that the cladding on certain commercial buildings (that is, Type A or B construction Class 2-9 buildings) must not lead to the spread of fire. They do that by clarifying the wording in the BCA and adopting a new verification method based on a new Australian Standard, AS 5113 - Fire propagation testing and classification of external walls of buildings.

Given that these BCA amendments provide urgent clarification of existing health and safety requirements for commercial buildings, the ongoing general 12 month transitional provisions in regulations 31A and 31D will not apply during the first 12 months following the adoption of the amendments on 12 March 2018.

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