



Public buildings – additional construction requirements

A person who proposes to construct, extend or alter a public building must comply with the relevant requirements of Western Australia’s health legislation relating to public buildings.

The Health (Public Buildings) Regulations 1992 (Public Buildings Regulations) apply to Class 9b and some Class 6 buildings that are defined as a “public building” under Section 173 of the Health (Miscellaneous Provisions) Act 1911.

The Public Buildings Working Group, established by the Department of Health, has raised concerns about the lack of consideration given to the Public Buildings Regulations during the building design and certification process.

This Industry Bulletin seeks to raise awareness about the need to consider the Public Buildings Regulations when submitting an application for a building permit, occupancy permit or building approval certificate as part of the building approval process.

The applicant, and those advising the applicant, should ensure that the documentation being provided to the permit authority as part of a building permit application complies with:

- the applicable building standards—namely the Building Code of Australia (BCA) as adopted by the Building Regulations 2012; and
- all relevant requirements imposed under the Public Buildings Regulations.

Whilst the requirements of the Public Buildings Regulations fall outside the building approvals process and should not prevent a permit authority from granting a building permit, these requirements must still be met prior to completion of works or occupation.

The Department of Health advises that building surveyors and particularly the design professionals responsible for the design of the building should ensure the relevant requirements in the Public Buildings Regulations have been incorporated in the design. Neglecting to do so may result in costly post construction alterations to comply with those requirements.

The Public Buildings Regulations contain construction requirements that may duplicate, or be in addition to, those requirements in the BCA. In this regard, the Department of Mines, Industry Regulation and Safety is working closely with the Department of Health to reduce such duplication and to help streamline the building approval process.

Examples of these additional requirements that need to be complied with —include (but are not limited to) the following requirements of the Public Building Regulations:

- **Handrails:** Regulation 13(2)
Steps and landings shall be provided with hand rails on each side that is not stepped unless the local government otherwise approves.

- **Stairs – goings/risers:** Regulation 13(3)
Steps shall have treads not less than 280 mm wide and risers not exceeding 180 mm in height.
- **Exit doors when exceeding 50 persons:** Regulation 14(5)
The occupier of a public building that has an occupancy exceeding 50 persons shall ensure that the building has more than one exit unless the local government otherwise approves.
- **External lighting:** Regulation 31
 - (1) *Subject to the Public Building Regulations, the external areas of a public building shall be illuminated with a minimum illuminance of 1 lux at ground level.*
 - (2) *External lighting systems shall be connected to circuits separate from those supplying lighting for foyers, entry porches, emergency escape passages or areas providing entry or egress to the public building.*
 - (3) *Where 2 or more lights are required to illuminate external stairs or exit paths, luminaires shall be connected over at least 2 circuits and so arranged that all sections remain illuminated if one circuit fails.*
 - (4) *Switches controlling external lighting shall not be located so as to be accessible to the public unless the Chief Health Officer approves.*
- **Seating:** Regulation 11
 - (1) *Except with the approval of the local government but subject to subregulation (2), all seats used for seating audiences in a public building shall be securely fixed to the floor unless fastened together in groups of not less than 4 seats.*
 - (2) *Where seats are arranged in regular rows of 10 to 42 seats aisles shall be provided on both sides of each row.*

Please note for the purpose of a certificate of approval under the Health (Miscellaneous Provisions) Act 1911, regulation 6(2) of the Public Building Regulations states “a certificate of approval shall not be issued for the accommodation of any number of persons that exceeds the number permitted under the Building Regulations with respect to sanitary facilities, exits and ventilation”.

For more information on the Public Buildings Regulations and advice on its requirements for a particular building please contact the Environmental Health Officer at the relevant local government.

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.

April 2018