



# Victoria Government Gazette

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## **Building Act 1993**

### BUILDING REGULATIONS 2018

The Victorian Building Authority, pursuant to regulation 9 of the Building Regulations 2018 (the Regulations) has approved and publishes the following forms for the purpose of the Regulations with effect from 2 June 2018.

Dated 31 May 2018

JOHN GARDINER  
Director, Technical and Regulation

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**SPECIAL**

**Building Act 1993**  
*Section 238(1)(a)*  
**Building Regulations 2018**  
*Regulation 126*

**CERTIFICATE OF COMPLIANCE FOR PROPOSED BUILDING WORK**

**This certificate is issued to** *[insert name]*

\*Relevant building surveyor \*Municipal building surveyor \*Private building surveyor

Postal address

Postcode

Email

**This certificate is issued in relation to the proposed building work at:**

Address of \*building/\*allotment

Postcode

**Nature of proposed building work**

Construction of a \*new building/\*extension/\*alteration/\*change of use/\*demolition/\*removal/\*re-erection of a building

\*Storeys contained

\*Rise in storeys (for Class 2-9 building only)

\*Effective height

\*Type of construction

Version of BCA applicable to certificate

**Building classification**

Part of building BCA Classification

Part of building BCA Classification

**Prescribed class of building work for which this certificate is issued:**

Design or part of the design of building work relating to \*Structural matter/\*Sewage matter/\*Water matter/\* Drainage matter/\*Mechanical (including hydraulic services within a building) matter/\*Electrical matter/\*Fire safety matter

**Documents setting out the design that is certified by this certificate**

Document no.	Document date	Type of document (e.g. drawings, computations, specifications, calculations etc.)	Number of pages	Prepared by

**\*Performance solution**

A performance solution forms part of the design certified by this certificate. The performance solution complies with the following performance requirements of the NCC

Relevant performance requirement	Details of performance solution required by regulation 124
	<p><i>[insert details of any of the following that the registered building practitioner uses or relies on in determining that the performance requirement complies with the performance solution—</i></p> <p><i>(i)the assessment method or methods;</i></p> <p><i>(ii)the details of any expert judgement;</i></p> <p><i>(iii)the details of any tests or calculations;</i></p> <p><i>(iv)the details of any standards or other information.]</i></p>

**The design certified by this certificate complies with the following provisions of Building Act 1993, Building Regulations 2018 or National Construction Code**

Act, Regulation or NCC	Section, Regulation, Part, Performance Requirement or other provision

\*I prepared the design, or part of the design, set out in the documents listed above.

I certify that the design set out in the documents listed above complies with the provisions set out above.

\*I certify that the performance solution referred to above complies with the performance requirements listed.

I believe that I hold the required skills, experience and knowledge to issue this certificate and can demonstrate this if requested to do so.

**\*Engineer \*Building surveyor**

Name: *[insert full name]*

Address:

Email:

Building practitioner registration category and class:

Building practitioner registration no.:

Date of issue of certificate:

Signature:

*\*Delete if not applicable*

**Building Act 1993**  
*Section 238(1)(b)*  
**Building Regulations 2018**  
*Regulation 126*

**CERTIFICATE OF COMPLIANCE FOR BUILDING WORK**

**This certificate is issued to** *[insert name]*

\*Relevant building surveyor \*Municipal building surveyor \*Private building surveyor

Postal address

Postcode

Email

**This certificate is issued in relation to the building work at:**

Address of \*building/\*allotment

Postcode

**Nature of building work**

Construction of a \*new building/\*extension/\*alteration/\*change of use/\*demolition/\*removal/\*re-erection of a building

\*Storeys contained

\*Rise in storeys (for Class 2-9 building only)

\*Effective height

\*Type of construction

Version of BCA applicable to certificate

**Building classification**

Part of building                      BCA Classification

Part of building                      BCA Classification

**Prescribed classes of building work for which this certificate is issued:**

\*domestic building work relating to a \*Structural matter/\*Sewerage matter/\*Water matter/\*Drainage matter/\*Mechanical (including hydraulic services within a building) matter/\*Electrical matter/\*Fire safety matter

\*the erection of a prescribed temporary structure

**Building work inspected** (Note: *The certifier must inspect the building work to which the certificate relates*)

*[describe part of building work or inspection stage inspected]*

**The building work certified by the certificate complies with the following provisions of the Building Act 1993, Building Regulations 2018 or National Construction Code**

Act, Regulation or NCC	Section, Regulation, Part, Performance Requirement or other provision

I inspected the building work referred to above.

I certify that the building work inspected by me complies with the provisions set out above.

I believe that I hold the required skills, experience and knowledge to issue this certificate and can demonstrate this if requested to do so.

**\*Engineer \*Building surveyor \*Building inspector \*Person who erects or supervises the erection of prescribed temporary structures**

Name: *[insert full name]*

Address:

Email:

Building practitioner registration category and class:

Building practitioner registration no.:

Date of issue of certificate:

Signature:

*\*Delete if not applicable*

**Building Act 1993  
Building Regulations 2018**

**MAINTENANCE DETERMINATION  
Regulation 215**

<b>Building/s or part of building or place</b> <i>(List name and address of buildings/parts below)</i>	<b>Description of use of the building or part of building or place</b>	<b>Classification under the National Construction Code</b> <i>(Note: the classification should be consistent with any current occupancy permit for the building).</i>

This determination has been issued because the Essential Safety Measures (ESM) listed below have been required to be provided or altered in the above building or place by *(delete whichever does not apply)*:

Building permit no.: *(insert no.)* ..... dated: *(insert date)* ..... for which there is a Certificate of Final Inspection no.: *(insert no.)* ..... issued: *(insert date)* .....  
 Building Order dated: *(insert date)* .....  
 Emergency Order dated: *(insert date)* .....

Regulation 216 of the *Building Regulations 2018* requires that the owner of the building or place must ensure that each ESM listed below:

- (a) performs at the level to fulfil its purpose as specified below; and
- (b) is inspected, tested and maintained in accordance with the requirements specified below.

<b>Essential Safety Measures</b>	<b>The level of performance that each essential safety measure must achieve to fulfil its purpose</b>	<b>The frequency and type of maintenance required for each essential safety measure</b>	<b>The frequency and type of testing and inspections required for each essential safety measure</b>

Signed: .....  
*(Relevant Building Surveyor)*

Date: .....

Print Name: .....

**Building Act 1993  
Building Regulations 2018**

**MAINTENANCE SCHEDULE  
Regulations 218 and 222**

Building/s or part of building or place [list name and address of buildings/parts below]	Description of use of the building or part of building or place	Classification under the National Construction Code [Note: the classification should be consistent with any current occupancy permit for the building]

This schedule has been issued because Essential Safety Measures (ESM) have been required to be provided\* or altered\* in the above building or place by [\*delete whichever does not apply]:

A condition on the following Occupancy Permit(s)

Occupancy permit number	Occupancy permit date	Related Building permit number	Related Building permit date

Maintenance determination dated: (insert date(s)) .....



The owner of the building or place must ensure that each ESM listed below:

- (a) performs at the level to fulfil its purpose as specified below; and
- (b) is inspected, tested and maintained in accordance with the requirements specified below.

<b>Essential Safety Measures</b> <i>(list all ESMs required to be provided by an occupancy permit or maintenance determination or any previous corresponding Act or regulations in chronological order to match the dates in column 2 r222(1))</i>	<b>Date on which the ESM was required to be provided in the building or place of public entertainment.</b> <i>(insert date that each ESM in column 1 was required to be provided in chronological order r222(3))</i>	<b>Document or legislation under which the ESM was required to be provided in the building or place of public entertainment.</b> <i>(insert occupancy permit no., maintenance determination date or other requirement under previous Act or regulation for each ESM in column 1 r222(1) and (2))</i>	<b>The level of performance that each ESM is required to achieve to fulfil its purpose</b> <i>(insert level of performance for each ESM in column 1 r222(1))</i>	<b>The frequency and type of maintenance required for each ESM</b> <i>(insert frequency and type of maintenance for each ESM in column 1 r222(1))</i>	<b>The frequency and type of testing and inspections required for each ESM</b> <i>(insert frequency and type of testing for each ESM in column 1 r222(1))</i>

**Signature (Relevant Building Surveyor)** .....

**Print Name:** .....

**Date:** .....

**Building Act 1993  
Building Regulations 2018**

**ANNUAL ESSENTIAL SAFETY MEASURES REPORT<sup>1</sup>  
Regulations 223 and 224**

Building/s or part of building or place [list name and address of buildings/parts/place below]	Description of use of the building, part of building or place	Classification under the National Construction Code (Note: the classification is set out in the occupancy permit for the building)]	Details of occupancy permit or maintenance determination issued for building/part/place to which the report relates. (Insert date and/or number)

**PART A – Details of inspections of essential safety measures**

**Compliance with AS 1851-2012 in lieu of the Specified Maintenance Standard (optional)<sup>2</sup>**

Where the relevant occupancy permit or maintenance determination requires maintenance of an essential safety measure in accordance with ‘AS 1851—2005 Maintenance of Fire Protection Systems and Equipment’ or an equivalent standard published before 5 September 2005, regulations 196 and 217 provide that the owner may maintain that essential safety measure in accordance with AS 1851—2012. Where the owner has chosen to maintain an essential safety measure in accordance with AS1851—2012, this is indicated in the table below.

**Note:** An owner is advised to seek advice before deciding to maintain in accordance with AS 1851—2012 (as allowed under regulations 196 and 217) if an earlier maintenance standard or unique methodology specified, forms part of a performance solution (or alternative solution) relating to a fire performance requirement as defined in regulation 5 of the Building Regulations 2018.

Essential Safety Measure required to be maintained in accordance with AS1851—2005 or equivalent standard published before 5 September 2005	Relevant Occupancy Permit or Maintenance Determination where reference in column 1 is made	Where relevant, the owner has decided to substitute AS1851-2012 and has and will continue to maintain the essential safety measure in accordance with AS1851—2012 - (insert Yes in relevant rows)

**Maintenance personnel details**

The following personnel carried out maintenance on the essential safety measures in this building during the preceding 12 months:

Name of person who performed maintenance	Company who performed maintenance	ESMs inspected/tested/ maintained

**PART B – Inspection report made under section 227E of the Building Act 1993<sup>3</sup>**

*Note: If there have been no inspections under s227E insert N/A into table*

Date of inspection	Details of inspection <i>(Note: insert who conducted inspection, any safety issues or non-compliances raised by the report and any actions required and/or taken by the owner in response to the report, including dates on which actions were taken)</i>

**PART C – Statement by owner**

I understand that as an owner of a building in respect of which an essential safety measure is required, regulation 223 requires me to ensure that this annual essential safety measures report is prepared within 28 days before each anniversary of the date of issue of the first occupancy permit or maintenance determination issued for the building, or if there is no occupancy permit or maintenance determination, within 28 days before 13 June each year.

I understand that it is a condition of an occupancy permit and maintenance determination that the essential safety measure listed in the occupancy permit must be maintained as specified in the permit or determination and that the owner of a building must comply with a condition of an occupancy permit or maintenance determination.

I understand that as an owner of a building in respect of which an essential safety measure has been required, regulation 226 requires me to ensure that all essential safety measures are maintained in a state which enables the essential safety measure to fulfil its purpose.

I understand that as an owner of a building in respect of which an essential safety measure has been required, regulation 227 requires me to ensure that essential safety measures are not removed from an approved location except for the purpose of inspection, testing of, or the carrying out of maintenance on, that essential safety measure.

I confirm that as the owner of the building to which this report applies, I have taken all reasonable steps to ensure that each essential safety measure—

- (i) is operating and has been maintained in a state that enables the essential safety measure to fulfil its purpose; and
- (ii) has been inspected, tested and maintained in accordance with the *Building Act 1993* and the *Building Regulations 2018*.

**Signature of owner/agent of owner<sup>4</sup>**

Signed: .....

Date: .....

Print Name: .....

Owners name: .....

*(If completing this report as agent of an owner, state full name of owner)*

**NOTES**

1. The owner must ensure that this annual essential safety measures report and the following documents relating to the building or place are available for inspection within 24 hours after request by the municipal building surveyor or chief officer to inspect the documents—
  - (a) all annual essential safety measures reports prepared under these regulations or any previous corresponding regulations within 10 years before the request; and
  - (b) all maintenance schedules in relation to the essential safety measures in the building or place; and
  - (c) all maintenance determinations requiring an essential safety measure to be provided in the building or place; and
  - (d) the records of all inspections, testing and maintenance (including repairs) of any essential safety measure in the building or place.

The penalty for non-compliance is a maximum of 20 penalty units.

2. Where the owner has decided to substitute AS 1851—2012 under regulation 196 or 217, the owner must continue to maintain that essential safety measure in accordance with AS 1851—2012.
3. Section 227E of the *Building Act 1993* provides the power for the chief officer and municipal building surveyor to inspect essential safety measures.
4. Under section 240 and 248(1) of the *Building Act 1993* an agent of the owner must have written authority from the owner to act as their agent. Also note the general rules of ‘agency’ apply. Where an agent has completed this report on behalf of an owner, the agent should clearly state their full name, the owners full name and that they are acting as an agent of the owner.

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## **bluestar** \* **PRINT**

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