

Combined allotment determinations

Aim

To advise building owners and building surveyors of the process for, treating a combined allotment, consisting of two or more allotments, as a single allotment for the purposes of the *Building Act 1993* (the Act) and the *Building Regulations 2018* (the Regulations).

Private building surveyor may exercise combined allotment functions of municipal building surveyor

The functions that a municipal building surveyor has in relation to combined allotments are set out in Division 8 of Part 4 of the Regulations. Regulation 67 allows a private building surveyor to exercise those functions of a municipal building surveyor, in relation to building work for which the private building surveyor has been appointed under Part 6 of the Act to issue a building permit. Therefore, for the purpose of this Fact Sheet the reference to the 'building surveyor', includes the municipal building surveyor and private building surveyor.

Application to treat allotments as one allotment

An application to treat multiple allotments as a single allotment for the purposes of the Act and the Regulations may be made to the building surveyor by the owner, or owners, of the land.

Information to be provided by applicant

The application must contain the information set out in regulation 61(1) and be accompanied by the documents set out in regulation 61(2), including suitable evidence of ownership.

The building surveyor may require additional information or documents if considered necessary for the purpose of making a determination.

Determination

Under regulation 64(1), the building surveyor may determine or refuse to determine that a combined allotment consisting of two or more allotments can be treated as one allotment for the purposes of the Act and the Regulations.

In deciding whether to make a determination the building surveyor must be satisfied regarding structural adequacy of any building on the combined allotment, and that reasonable provision is made for amenity, safety and health, and avoiding the spread of fire.

A determination must be in the form of Form 5 in Schedule 4 to the Regulations.

A copy of a determination must be provided to the applicant within 7 days.

Effect of determination

Land to which a determination under regulation 64(1) applies is taken to be one allotment for the purposes of the Act and the Regulations.

Refusal

The application may be refused if additional information or documents is not provided within the time specified by the building surveyor.

Before refusing an application, the building surveyor must give 30 days notice in writing of intention to refuse.

The applicant must be notified within 7 days after the refusal to make a determination.

An appeal against refusal may be made to the Building Appeals Board under section 144 of the Act.

Revocation of determination

A building surveyor may revoke a determination to treat a combined allotment as one allotment.

Within 7 days after revocation, the building surveyor must give each owner of the land written notice of the revocation.

Documents to be given to council

Amongst other documents required to be given to council under regulation 44(1), a building surveyor who makes a determination under regulation 64(1) must give a copy of the determination within 7 days after issuing the building permit.

Request for information from council

Regulation 51(1) allows anyone to request the relevant council to provide details of any current determination made under regulation 64(1).

Information to be forwarded to VBA

From 1 July 2019, the relevant building surveyor must, as part of information required to be submitted to the VBA within 7 days after the end of each month under regulation 47(2), provide detail as to whether the building work is to be carried out on land that is subject to a determination under regulation 64(1).

Want to know more?

If you have a technical enquiry, please email technicalenquiry@vba.vic.gov.au or call 1300 815 127.

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