

*This updates the previous Practice Note-28-2014 issued May 2014.*

## Purpose

Where different relevant building surveyors (RBS) are involved in different parts of the same building or development, there may be difficulties experienced with the documentation and co-ordination of permits.

Building work for which one building surveyor is the RBS, cannot be considered in isolation from the remainder of a complex. The RBS has a duty of care to advise clients of matters affecting interaction with the rest of a building, together with a legal responsibility to correctly issue certificates of final inspection and occupancy permits.

## Common examples where multiple permits will be utilised

Multiple permits typically occur with:

- shell and core' construction; or
- multi-storey residential buildings; or
- commercial buildings, such as unit factories, offices or shopping centres;

where one relevant building surveyor RBS issues a building permit for the base building, with fitouts to allow for occupation on different floors, or in separate tenancies, being the subject of separate permits issued by different building surveyors.

## Documentation Required

Documentation and details required for the building permit, certificate of final inspection (CFI) or occupancy permit (OP) must be to the satisfaction of the RBS, to enable construction, commissioning and ongoing operation and maintenance of the building to be undertaken in accordance with the Building Act 1993 (the Act) and Building Regulations 2018 (the Regulations).

## Building permits

The building permit application and accompanying documentation is to be submitted pursuant to regulations 25, 26 and 29.

The relevant building surveyor may exempt an application for a building permit in respect of building work from any requirement under regulation 25 or 26 which the relevant building surveyor considers is not required to demonstrate that the building work will comply with the Act and Regulations.

The Act allows a building permit to be issued for a stage of building work, which can result in a building surveyor being responsible only for a portion of the work being undertaken on the building. Refer to Practice Note-36-2018, Building Permit for a stage of Building Work, for information on staged building permits.

On the building permit, the RBS shall nominate whether an occupancy permit or certificate of final inspection is required prior to the occupation or use of the building.

Where the RBS issues a building permit that would not allow construction to reach the point where the building is suitable for occupation, a certificate of final inspection should be issued on completion.

However, where work is to be completed to the point of occupation, an occupancy permit is required, except in the cases cited in section 21(2) of the Act. Reference should also be made to sections 38 and 46 of the Act if clarification is required in relation to the intent of certificates of final inspection and occupancy permits.

### **Liaison**

The RBS should liaise with the other RBS where appropriate, particularly in the case where a site has separate projects (with different RBS) in progress at the same time, for example, in shell and core construction.

The RBS can obtain information regarding permits issued by another RBS in relation to the property from the relevant council.

### **Certificate of Final Inspection and Occupancy Permit**

Upon completion of all building work approved by the building permit, the RBS will either consider the occupancy permit application or the issue of the certificate of final inspection.

### **Certificate of Final Inspection**

To assist with satisfactory completion of the building, if a certificate of final inspection is issued for a stage of building work, the RBS should include a statement of critical decisions made in deciding to issue a certificate of final inspection. This will alert any subsequent RBS of any issues for consideration during the issue of any future

certificates of final inspection, building permits, occupancy permits or temporary approvals.

A certificate of final inspection could also, if necessary, include endorsements/notes indicating work necessary to bring the building to a stage suitable for occupation. The documentation required for the issue of the certificate of final inspection should be to the satisfaction of the RBS under section 38 of the Building Act and Regulation 200 of the Regulations.

**An example** - A RBS is appointed only to issue a building permit for a core and shell of a multi-storey residential building.

On completion of the works the RBS issues a CFI with endorsements that an OP is required on the building once all common areas, lifts passage ways including any essential safety measures associated with those common areas are completed.

A RBS who is then appointed to issue a building permit for the common areas will be required to issue the OP for the completed building excluding the sole occupancy units (SOU's).

Each RBS then appointed to do fit-outs to the sole occupancy units must then issue an OP for those SOU's.

Note if an OP has not been issued for the core, shell and common areas then building cannot be occupied as no access to the SOU's would have been approved.

**Another example** A RBS is appointed to issue a building permit for the shell and all common areas. The RBS can issue a CFI at the completion of the shell and core with endorsements that an OP is required on the building once all common areas, lifts passage ways including any essential safety measures associated with those common areas are completed.

Other RBS's can be appointed to undertake the fit outs of the SOU's and issue an OP for the SOU's when completed. They will need to take into account any endorsements or notes made by the original RBS. Once the common areas are completed the original RBS then issues an OP for the completed shell and core.

## Occupancy Permit

In determining whether to issue an occupancy permit for part of a building, all other parts of the building considered necessary for the safe occupation of the part to which the proposed occupancy permit will apply must also be considered and, if necessary, further work to ensure that the part is suitable for occupation must be carried out in those other parts before issuing the occupancy permit.

The documentation required for the consideration of the occupancy permit application should be to the satisfaction of the relevant building surveyor under section 41 and 42 of the Building Act and Regulation 186 of the Regulations. Refer to Practice Note -24-2018 Occupancy Permit, for the consideration of occupancy permits.

## Essential Services

The RBS, when issuing certificates of final inspection and occupancy permits, must include a condition listing all essential services for the building and determining the ongoing level of maintenance required for each. (Refer to Practice Note-23-2018 – Maintenance of Essential Safety Measures).

## Further Information

### Want to know more?

If you have a technical enquiry, please email [technicalenquiry@vba.vic.gov.au](mailto:technicalenquiry@vba.vic.gov.au) or call 1300 815 127.

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