

Practice Note

2014-36

Issued March 2014

Building Permit for a Stage of Building Work

This updates the previous Practice Note 2006-36 issued June 2006.

1. SUMMARY

Section 20 of the Building Act 1993 (the Act), allows that where building work is proposed to be carried out in stages, a building permit may be issued specific to each stage of building work. A permit issued for a particular stage is a permit in its own right.

Section 20 clearly states that a building permit may be-

- a) a permit for the whole of the proposed building work; or
- b) a permit for a stage of the proposed building work.

Listed below are the steps that must be followed for the building permit process together with some common questions asked of those steps.

- The agent/owner may make an application to the Municipal Building Surveyor (MBS) or appoint a private building surveyor (PBS) to carry out all or any of the following functions-
 - a) The issuing of building permits;
 - b) (b) Carry out inspections of building and building works under Part 4 of the Act;
 - c) (c) The issuing of occupancy permits and temporary approvals under Part 5 of the Act.
- A PBS is to provide notification to the relevant council within seven days of the acceptance of an appointment (Section 80 Notification).
- Make application for a building permit for each proposed stage of building work. A Form 1 application for building permit identifies the nature of building work to be carried out, the extent of that stage of building work, the total cost of building work, the cost of building work for that stage (for the purpose of calculating the building permit levy) and nominates the building practitioners involved with that stage of building work. Application forms can be downloaded from the Victorian Building Authority website <http://www.vba.vic.gov.au>
- Report and Consent from reporting authorities. Where applicable, a report and consent from a reporting authority as required by the Building Regulations 2006 (the Regulations) needs to be obtained, and be relevant to the applicable stage of building work.
- Provide relevant information to accompany the application, as required by Division 1 of Part 3 of the Regulations.

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Regulation 306 permits the relevant building surveyor (RBS) to exempt an application for a building permit for staged building work from any of the requirements of regulation 302 to 305 if he or she considers it to be unnecessary or inappropriate for that stage of building work.

- **Issue of Building Permit.**
A building permit is to be issued for each stage of work in accordance with the Form 1 application details.
- **Lodging of documents.**
A copy of the approved documents is to be lodged with the local council for each permit issued, together with the lodgement fee.
- **Pay the building permit levy.**
The building permit levy is calculated on the cost of the stage of building work being undertaken, not the total cost of the building project. The levy must be paid within the statutory requirements.
- **Include the appropriate prescribed council lodgement fee.**
The lodgement fee is determined in accordance with regulation 320.
In order to assist building surveyors with the interpretation of this issue some key questions and answers have been provided below.

Frequently Asked Questions (FAQ)

Q. Do you need a separate appointment for each stage of building work?

A. The Act is silent in the intent that each stage of a building work for which there is to be a building permit needs to have a separate appointment. It would be reasonable to accept that one letter could cover the appointment of the RBS for all stages of building work, which is a

practical solution. (Refer to section 20 of the Act)

Where a different RBS is used for a particular stage of the building work then a separate appointment will be required.

Q. Do you have to send section 80 notification for each permit application?

A. The Act does not stipulate that a separate notification is required for each stage of building work. One letter of notification of the acceptance of an appointment for building work could be provided.

Where a different RBS is used for a particular stage of the building work then a separate section 80 notification will be required.

Q. Can you have one application form covering all stages of the proposed building works?

An application is required for each stage building permit as there is information that is required, and can only be applicable, to that stage of building work. Therefore each application must be accompanied with an application form for that stage detailing specifics of the stage of works proposed.

Q. Can the one report and consent apply to more than one stage of building work?

A. The report and consent needs to be relevant to the applicable stage of building work. However, a report and consent may cover issues that are relevant to more than one stage of proposed building work.

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

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