

Practice Note

2014-50

Issued May 2014

Liability to Pay and Circumstances Where Building Permit Levy May Be Refunded

This updates the previous Practice Note 2006-50, issued June 2006

1. SUMMARY

The building permit levy is payable by the applicant for the building permit and must be paid before the building permit can be issued (section 205G(3), of the Building Act 1993 (the Act)).

Building Surveyors should note the following 2 issues:

- a) the application of the liability to pay the building permit levy; and
- b) dealing with applications to refund the building permit levy.

2. RULINGS

(a) The building permit levy is payable on the issue of every building permit unless otherwise exempted and includes the following instances:

- A new building permit issued where the original permit has lapsed. A replacement permit is (for the purposes of the Act) a totally new and separate building permit.
- A building permit issued for building work, even if such work would not normally require the issue of a building permit, (i.e. the owners of the building work may request a permit for their own peace of

mind), is for the purposes of the Act a building permit.

- A new building permit issued due to a substantial change in the nature and type of building work as provided for in the original permit.
 - (a) A refund of the building permit levy is allowable only in circumstances where the levy was paid prior to the issue of the permit and the application is withdrawn prior to the issue of the building permit.

Please note that in the following circumstances the building permit levy is payable and no refund is applicable:

- Building work does not proceed;
- Partial completion of the building work;
- Building permit lapses; and
- Cancellation of the building permit.

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

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