

*This updates previous practice note PN 28-2018 issued June 2018, previously referred to as **Building work involving multiple permits**.*

Purpose

To provide guidance where various relevant building surveyors (RBS) are appointed in relation to different parts or stages of the same building or development.

Background

Building work relating to part of a building or development, for which one building surveyor is the Relevant Building Surveyor (RBS), cannot be considered in isolation from the remainder of the building. The RBS has a duty of care to advise clients of matters affecting interaction with the rest of the building, as well as the responsibility to correctly issue certificates of final inspection (CFI) and occupancy permits (OP).

Multiple building permits typically occur where one RBS issues a building permit for the base building, with fit-outs to allow for occupation of different parts of the building being subject to separate permits by different building surveyors. This includes:

- shell and core construction; or
- multi-storey residential buildings; or
- commercial buildings, including factory units, offices or shopping centres.

Building permits

The building permit application and accompanying documentation is to be submitted in accordance with regulations 25, 26 and 29 of the *Building Regulations 2018* (the Regulations).

The RBS may exempt an application for a building permit from any requirement under regulations 25 or 26 which they consider is not required to demonstrate compliance with the *Building Act 1993* (the Act) and the Regulations.

The Act allows a building permit to be issued for a stage of building work. This may mean that a building surveyor is not appointed for all of the work being undertaken on the building.

The RBS must specify in the building permit whether an OP or CFI is required before the occupation or use or part of the building. Where a building permit is issued that would not allow construction to reach the point where the building is suitable for occupation, a CFI should be issued on completion. However, where work is to be completed to the point of occupation, an OP is required, except in the cases in section 21(2) of the Act or regulation 185. Reference should also be made to sections 38 and 46 of the Act for clarification of the intent of CFI's and OP's.

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

Certificate of final inspection

Upon completion of all building work approved by the building permit, the RBS must consider the OP application or the issue of the CFI.

To assist with satisfactory completion of the building, the RBS should include a statement of critical decisions made in determining to issue a CFI for a stage. This will alert any subsequent RBS of any matters for consideration before issuing any future building permits, CFI's, OP's or temporary approvals.

A CFI could also include a note indicating the work necessary to bring the building to a stage suitable for occupation. The documentation required for the issue of the CFI should be to the satisfaction of the RBS under section 38 and regulation 200.

Example: An 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 a note that an OP is required for the building once all common areas, including any associated essential safety measures associated, such as exits and paths of travel to exits, are completed.

The RBS appointed to issue a building permit for common areas will be required to issue the OP for the completed building excluding the sole occupancy units (SOU's). Each RBS appointed to do fit-outs to the SOU's must then issue an OP for each SOU.

In this situation, the building cannot be occupied until an OP for the parts of the building (core, shell and common areas) providing access to the SOU's has been issued.

Occupancy permit

An application for an OP with accompanying documentation is to be submitted pursuant to sections 41 and 42 of the Act and regulation 186 of the Regulations.

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

Essential safety measures

When issuing CFI's and OP's, the RBS must include a condition listing all essential safety measures for the building and determining the ongoing level of maintenance required for each.

Further information

PN 23 Maintenance of essential safety measures

PN 24 Occupancy permits

PN 36 Building permit for a stage of building work

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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