

## Additional requirements when determining performance solutions

### Aim

The *Building Regulations 2018* aim to ensure that any determination made by the relevant building surveyor (RBS) or a registered building practitioner in relation to a performance solution is documented in writing.

### Report and Consent

Part 1 of Schedule 5 to the Regulations sets out prescribed matters to be reported on by the chief officer. The eleven fire safety matters listed are only prescribed matters if they do not meet the deemed-to-satisfy provisions of the BCA. In that case, a performance solution may be used to demonstrate compliance with the relevant performance requirements of the Building Code of Australia (BCA).

### Building Surveyor to document determinations of performance solutions.

Regulation 38 requires the RBS when determining an application for a building permit, to record in writing how a performance solution has been assessed as meeting the performance requirements of the BCA.

### Registered Building practitioner must document determinations of performance solutions.

Regulation 124 requires a registered building practitioner who provides a section 238 certificate which certifies that a performance solution complies with a performance requirement of the BCA to record in writing how the performance solution has been assessed as meeting the performance requirement.

### The record

There is no prescribed or approved form for the record. The record must include:

- the performance requirement with which the performance solution complies;
- details of the assessment method or methods;
- details of any expert judgment;
- details of any tests or calculations; and
- details of any standards or other information.

Pursuant to regulations 44(1)(j) and 203(j), this record must be given to the relevant council.

All determinations of a performance solution must also be recorded on the Form 2 building permit, Form 16 occupancy permit and Form 17 certificate of final inspection.

### Reliance on a section 238 certificate by a second building surveyor

Regulation 121(e) specifies that an RBS may only rely on a section 238 certificate from another registered building surveyor in relation to a fire performance requirement, if that building surveyor has a Graduate Certificate in Performance Based Building and Fire Codes from Victoria University (or equivalent as determined by the Authority).

#### 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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