

PRACTICE NOTE 11-2018

This updates the previous Practice Note-2014-11 issued April 2014

Reference to the Building Code of Australia (BCA) in this Practice Note means Volumes One and Two of the National Construction Code Series (NCC).

Purpose

This practice note clarifies the types of structures that should be regarded as “buildings” for the purposes of the Building Act 1993 (the Act) and the Building Regulations 2018 (the Regulations).

Definitions

Building includes structure, temporary building, temporary structure and any part of a building or structure.

This definition of building has the potential to incorporate under the building control legislation a wide variety of structures not traditionally regarded as buildings.

What is the scope of buildings (structures) to which the Act and the Regulations apply?

A literal reading of the Act would indicate that any buildings (structures) not specifically exempted by Regulation 23 and Schedule 3 of the Regulations would require building and occupancy permits pursuant to the building control legislation.

The structures to which the legislation would apply under this interpretation could be virtually unlimited.

It was not intended that the Act change the scope of structures falling within the building control legislation, as can be partly evidenced by the following extract from the

clause notes from the explanatory memorandum to the Building Bill:

“Section 3 provides for the definitions of certain words used in the Act such as “building”.

The definition of building is not intended to include structures which are not in the nature of buildings such as railway viaducts and roads”.

This is also evident by the structures included in Schedule 3 of the Regulations. The Table closely reflects traditionally controlled structures and would have been totally revised if other structures such as tanks, silos, bridges, industrial equipment, etc were intended to be incorporated into the legislation.

Summary

It is recommended that unless contrary to the express wishes of the owner of the property concerned, only a structure which can be classified according to use (pursuant to Clause A3.2 of BCA Volume One and Clause 1.3.2 of BCA Volume Two) should be regarded as a “building” to which the Act and the Regulations apply.

Temporary structures have their own specific controls under the Act, Regulations and other relevant documents.

Further information

Want to know more?

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

Victorian Building Authority
733 Bourke Street Docklands VIC 3008

www.vba.vic.gov.au