

# FACT SHEET: Application for a Building Permit Number

## Building permit number, levy and reporting changes from 1 July 2019

Important changes are being introduced to Victoria's building permit and levy laws from 1 July 2019. These changes affect the Building Act 1993 (the Act) and the Building Regulations 2018 (the Regulations). From 1 July 2019:

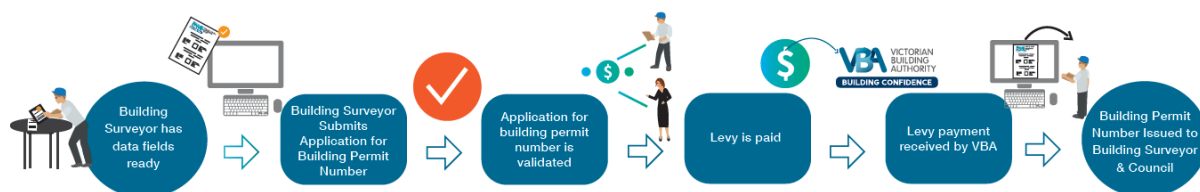
- the Victorian Building Authority (VBA) must issue a building permit number before a relevant building surveyor can issue a building permit
- owners have a new duty to notify the VBA of revised final costs of work
- the VBA will have new powers to re-assess a levy after issuance of a building permit
- revised mandatory monthly reporting duties will apply under regulation 47 of the Regulations; and
- relevant building surveyors (RBSs) will no longer be required to provide the VBA with a monthly levy return due to the repeal of regulation 46 of the Regulations.

To assist in the implementation of these reforms, the VBA is developing an online platform, the Building Activity Management System (BAMS). This platform will accept applications for building permit numbers (BPNs) from RBSs, process levy payments, issue BPNs, accept mandatory monthly reports from relevant building surveyors.

## Application for a Building Permit Number

To obtain a building permit number from the VBA:

1. the relevant building surveyor (RBS) must provide the VBA with all required information relating to proposed building permit, and
2. the levy must be paid



• For multiple building permit number applications, the building surveyor will upload a CSV with all fields complete.

• For single building permit number applications, the building surveyor may use the online portal.

• BAMS will validate the fields and notify the building surveyor of errors. If there are no errors, the application will be validated and progress to payment.

• Building surveyors will have the option to allocate payment to the applicant, or pay on behalf of the applicant.

• Where payment has been allocated, the nominated payer will receive an email invoice to pay.

• Payment can only be made via **BPAY** or **Credit Card**.

• After payment is made, the RBS receives notification via email of the BPN.

• Council receives notification via email to login to FTP Server to view BPN details.

Once these steps have been completed, the VBA has **5 business days** to issue or refuse a building permit number. To complete a building permit number application, certain information is required. This is outlined in the table below. An application can be made via BAMS either individually or in bulk, through a csv export from 3<sup>rd</sup> party software or through a csv template.

## Information required for a Building Permit Number application

Field Name	Type of Information	Example
<b>Building Surveyor Registration Number</b>	Free text, Letters and numbers	BS - U 1234
<b>Building Permit Stage Number</b>	Free text, Numbers	2
<b>Final Stage Indicator</b>	Picklist, Letters	Y
<b>Building Permit Application Date</b>	Date, YYYY-MM-DD	2015-02-22
<b>Owner Suburb</b>	Free text, Letters and numbers	Malvern
<b>Owner State</b>	Free text, Letters and numbers	VIC
<b>Owner Postcode</b>	Free text, Letters and numbers	3144
<b>Owner Telephone</b>	Free text, Numbers	0398224838
<b>Owner Builder Indicator</b>	Picklist, Letters	Y
<b>Site Street Name</b>	Free text, Letters and numbers	Fitzgerald Road
<b>Site Town/Suburb</b>	Free text, Letters and numbers	Malvern
<b>Site Postcode</b>	Free text, Numbers	3144
<b>Ownership Sector</b>	Picklist, Letters	P
<b>Builder Town/Suburb</b>	Free text, Letters and numbers	Malvern
<b>Builder State</b>	Free text, Letters	VIC
<b>Builder Postcode</b>	Free text, Numbers	3144
<b>Builder Telephone</b>	Free text, Numbers	0396661234
<b>Primary Nature of Building Work</b>	Picklist, Numbers	2
<b>Primary BCA Classification</b>	Picklist, Letters and numbers	1aii
<b>Description of Building Work</b>	Free text, Letters and numbers	3 bedroom house...
<b>Total Estimated Cost of Works</b>	Free text, Numbers	1000000
<b>Estimated Cost of Works for This Permit</b>	Free text, Numbers	200000
<b>Estimated Total Levy Amount</b>	Free text, Numbers	62.00
<b>Date of Appointment of Building Surveyor</b>	Date, YYYY-MM-DD	2015-02-22
<b>Record Type</b>	Picklist, Letters	A
<b>Site Municipality Code</b>	Free text, Numbers	63
<b>Registered Building Surveyor Email</b>	Free text, Email	john@smithbuilding.com
<b>Builder Last Name</b>	Free text, Letters and numbers	Smith or Smith Building Co
<b>Owner Last Name</b>	Free text, Letters and numbers	Smith or Smith Building Co
<b>Owner Street Address</b>	Free text, Letters and numbers	Suite 10 1191 to 1197A Fitzgerald Crescent
<b>Builder Street Address</b>	Free text, Letters and numbers	Flat 2 29a Fitzgerald Crescent
<b>RBS Paying Levy on Applicant Behalf</b>	Picklist, Letters	Y
<b>Does Regulation 268 Exemption Apply</b>	Picklist, Letters	Y
<b>Is Certificate of Consent Required</b>	Picklist, Letters	Y

## Information 'conditionally required' for a Building Permit Number application

New Field Name	Conditions Where Required	Type of Information allowed	Example
<b>Certificate of Consent Number</b>	Required if 'Is certificate of Consent No required' Field is 'Y'	Free text, Letters and numbers	OB0123456
<b>Site Lot Number</b>	If no Site Street Number is provided.	Free text, Letters and numbers	27 28 29a
<b>Site Street Number</b>	If no Site Lot Number is provided.	Free text, Letters and numbers	Suite 10 1191 and 1197 A
<b>Builder Registration Number</b>	Required If COW is more than \$10,000 and Does Exemption under Reg 268 apply is 'N' and Owner Builder Indicator is 'N'	Free text, Letters and numbers	DB - U 12345
<b>Building Use</b>	If Primary BCA < 7 or 10, determine Building Use by referencing Table 1. Required if "Primary BCA Classification" is 7 or 10.	Picklist, Letters and numbers	Domestic
<b>Date of Issue of Planning Permit</b>	Required if "Planning Permit Number" is not null	Date, YYYY-MM-DD	2015-02-22
<b>Nominated Levy Payer First Name</b>	Required if levy amount is greater than zero and "RBS Paying Levy on Applicant Behalf" is No.	Free text, Letters and numbers	John
<b>Nominated Levy Payer Suburb</b>	Required if levy amount is greater than zero and "RBS Paying Levy on Applicant Behalf" is No.	Free text, Letters and numbers	Malvern
<b>Nominated Levy Payer State</b>	Required if levy amount is greater than zero and "RBS Paying Levy on Applicant Behalf" is No.	Free text, Letters and numbers	VIC
<b>Nominated Levy Payer Postcode</b>	Required if levy amount is greater than zero and "RBS Paying Levy on Applicant Behalf" is No.	Free text, Letters and numbers	3144
<b>Nominated Levy Payer Telephone</b>	Required if levy amount is greater than zero and "RBS Paying Levy on Applicant Behalf" is No.	Free text, Numbers	0398224838
<b>Nominated Levy Payer Country</b>	Required if levy amount is greater than zero and "RBS Paying Levy on Applicant Behalf" is No.	Free text, Letters and numbers	Australia
<b>Nominated Levy Payer Email</b>	Required if levy amount is greater than zero and "RBS Paying Levy on Applicant Behalf" is No.	Free text, Email	john@smithbuilding.com
<b>Building Permit Number</b>	If record type is 'Amendment' then required	Free text, Letters and numbers	123456789123
<b>Date of Building Permit Issue</b>	If type of line item is 'Amendment' AND if BPN is not generated by BAMS (hence PLS BPN) then Date of Permit Issue needs to be provided (used to match records)	Date, YYYY-MM-DD	2015-02-22
<b>Project ID/Name</b>	Required if "Stage Number" greater than "0"	Free text, Letters and numbers	Proj ABC-12
<b>Draftsperson Last Name</b>	Required if "Draftsperson Registration Number" is not null.	Free text, Letters	Drawer or Drawings Pty Ltd
<b>Nominated Levy Payer Last Name</b>	Required if levy amount is greater than zero and "RBS Paying Levy on Applicant Behalf" is No.	Free text, Letters and numbers	Smith
<b>Nominated Levy Payer Street Address</b>	Required if levy amount is greater than zero and "RBS Paying Levy on Applicant Behalf" is No.	Free text, Letters and numbers	Fitzgerald Crescent

## Additional Information

### Application for a Building Permit

- No change to who may apply for a building permit.
- Application may be made by or on behalf of the owner of the building or land on which the building work is to be carried out, or the buyer of a subdivision (if the requirements of section 9AA(1) of *the Sale of Land Act 1962* have been met). (s17, *Building Act 1993*).
- Application to be made using Schedule 4 - Form 1 Application for a Building Permit (no change) (Building Regulations 2018).
- Reminder: amendments to the building permit application form that were **effective 1 July 2018** required
  - the builder be identified on the building permit application
  - different types of information be provided if the builder is a natural person or a body corporate
  - if application relates to domestic building work under a major domestic building contract, application to include;
    - attachment of an extract from the major domestic building contract identifying the parties, and
    - if a certificate of insurance is required by law, a copy of that certificate of insurance. (Both of these requirements are new as at 1 July 2018.)
- where the application relates to owner builder projects that require a certificate of consent, certificate of consent number must be supplied.

### BAMS Validations

- BAMS will not allow upload of information that fails validation (whether the information is mandatory or optional).
- Validation relates to data quality not accuracy of information.

### 'Accepting' an application for a building permit and estimating the Cost of Works

- The application for a building permit contains information that the RBS needs in order to:
  - apply to the VBA for a BPN "on accepting an application"
  - estimate the cost of work and calculate levy due (before applying for a BPN).
- The VBA considers that an RBS does not "accept" an application until all required information has been provided and estimated **total** COW is settled.
- There is no change to the RBS's obligation to estimate the COW, and then calculate the levy due based on that estimated cost of work.
- The RBS's function in estimating cost of work is a reasonableness check, not an assurance that the initial estimate will match the revised final cost of work.

### Calculating Levy Due

- **No change** to the RBS's duty to calculate levy due based on RBS's estimate of COW (s205I).



- **No change** to the RBS's duty to notify the applicant for a building permit of the estimated cost of work and levy due (s205I).
- RBS notification to the owner should take place at the time of applying for BPN and amounts notified to owner should match amounts entered into BAMS.

### Who can be nominated as levy payer in BAMS?

- Applicant for a building permit, or a person acting on their behalf, must pay the levy (205GA)
- "Applicant for a building permit" includes the owner or authorised agent (e.g. builder, architect) or purchaser under a contract for the sale of a lot in a plan of subdivision who has paid the relevant deposit (s17)
- "A person acting on their behalf" can apply to anyone authorised to act on behalf of the applicant, including the RBS.

### Request for Payment

- Payment may be made by credit card or BPAY.
- Anyone who receives money on account of levy must remit the money to the VBA within five days of receiving the money. Failure to do so is an offence attracting a penalty of up to 120 penalty units for a natural person or 600 penalty units for a body corporate (s205J).
- RBSs concerned about the time for compliance could adapt their practices to ensure they do not accept money on account of levy more than five business days before they will be able to make payment to the VBA. Payment cannot be made without a request for payment being issued. A request for payment cannot be issued until the BPN information has been successfully uploaded into BAMS.
- The VBA may recover unpaid levy as a debt due (205K).

### Issuance of Building Permit Number

- Once all information has been provided and all levy has been paid, the VBA has five days to issue or refuse to issue a BPN.
- BAMS will generate a BPN once payment is received.
- If payment is made by credit card, payment is "received" immediately and BPN will be generated.
- If payment is made by BPAY, payment is "received" when the receipt number is entered into the BAMS portal by the RBS.
- The BPN is issued to the RBS and BPN details are notified to Council.

### Determine Building Permit Application

- The RBS may consider the building permit application from the time the application is received, including while the application for the BPN is underway.
- The BPN is a "consent" for the purposes of regulation 35(2).
  - 10 (or 15) day period for deciding the building permit application does not begin until BPN and all other reports and consents are received by or required to be supplied to, the RBS.
- RBS must not issue a building permit unless the VBA has issued a BPN for that permit (500 penalty units in the case of a natural person and 2500 penalty units in the case of a body corporate) and the permit specifies



the BPN (10 penalty units in the case of a natural person and 50 penalty units in the case of as body corporate).