

## Building permits and other exemptions BP-03 | Building projects with multiple building permits

### Audience

The audience/s for this Practice Note include/s:

- |  |   |
|--|---|
| <input type="checkbox"/> Architects/ Designers                     | <input type="checkbox"/> Owner Builders                             |
| <input type="checkbox"/> Builders                                  | <input type="checkbox"/> Plumbers                                   |
| <input checked="" type="checkbox"/> Building Surveyors/ Inspectors | <input type="checkbox"/> Real estate management agents              |
| <input type="checkbox"/> Engineers                                 | <input type="checkbox"/> Trades and Maintenance (inc. Electricians) |
| <input type="checkbox"/> Home Owners / Residential Tenants         |   |

### Purpose

The purpose of this Practice Note is to provide guidance on the requirements for Relevant Building Surveyors (RBS) when multiple surveyors are appointed for different stages on the same building project to ensure compliance with the Building Act 1993 and the Building Regulations 2018.

The content below provides guidance on:

- Building projects with multiple building permits
- Working with other building surveyors
- Certificates of Final Inspection and Occupancy Permits
- Essential safety measures

### Abbreviations & Definitions

The abbreviations and definitions set out below are for guidance only. They are not intended to vary those set out in the Building Act 1993, the Building Regulations 2018 or the National Construction Code.

- **Act** – Building Act 1993
- **CFI** – Certificate of Final Inspection
- **ESM** – Essential Safety Measures
- **OP** – Occupancy Permit
- **RBS** – Relevant Building Surveyor
- **Regulations** – Building Regulations 2018
- **SOU** – Sole Occupancy Unit



## Building projects with multiple building permits

When a building project is proposed to be completed in multiple stages, section 20(b) of the Act allows for a separate building permit to be issued for each stage of the building work. Although a different building surveyor may be appointed for any stage, this may lead to compliance issues and communication challenges not experienced when only one building surveyor is appointed for the entire building project.

Building work relating to part of a building project, for which one building surveyor is appointed, cannot be considered in isolation from the remainder of the building work. Each Relevant Building Surveyor (RBS) has a duty-of-care to advise building permit applicants of matters affecting interaction with the rest of the building work as well as the responsibility to correctly administer the issuing of a CFI or OP.



Refer to regulation 54(2) of the Regulations and Building Practice Note BP-07 Time limits for building work and lapsed building permits for information about the date of issue and lapsing of building permits issued for a stage of the building work.

## Working with other building surveyors

The RBS should liaise with the other RBSs when appropriate, particularly where a building project has multiple building permits in progress at the same time. In accordance with the Code of Conduct for Building Surveyors in Victoria, different building surveyors should work together for the good of the building project and industry.

Working in isolation without consideration of the impact of individual decisions may result in the building project not complying with the Act and the Regulations.

## Certificates of Final Inspection and Occupancy Permits

The RBS must specify in the building permit whether an OP or CFI is required having regard to section 21 of the Act and regulation 185 of the Regulations. Where a building permit is issued for a stage of building work that would not allow the building to reach the point where it is suitable for occupation, a CFI must be issued on completion of that stage for each applicable building permit.

However, where a building permit is issued for a stage of building work to the point of occupation, the building permit is to specify that an OP is required.

### Certificate of Final Inspection

To assist with completion of the building project, the RBS should include a statement of critical decisions made to determine the issue of a CFI for a building stage. This will alert any subsequent RBS of any matters for consideration before issuing any future building permits, CFIs, OPs, 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 must be to the satisfaction of the RBS under section 38 of the Act 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 building work associated with the core and shell, the RBS issues a CFI with a note stating that an OP is required for the building, once all common areas, including any associated ESM, 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 SOUs. Each RBS appointed to do fit outs to the SOUs 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 SOUs, has been issued.

**Occupancy Permit**

In determining whether to issue an OP for part of a building, the RBS must consider all other parts of the building to ensure safe occupation of the part of the building to which the proposed OP will apply.

Before issuing the OP, where necessary, further work must be carried out in those other parts of the building to ensure the part of the building to which the proposed OP will apply is suitable for occupation.

**Essential Safety Measures**

When issuing a CFI, regulation 215 requires the RBS to issue a maintenance determination specifying the ESM that were provided or altered by the permitted building work and determine the level of performance and ongoing maintenance required for each ESM.

If issuing an OP, regulation 194 and 195 requires the RBS to include a condition specifying all ESMs for the building as part of the building work carried out under the building permit requiring the OP. The condition must also specify the level of performance and ongoing maintenance required for each ESM.

Additionally, if an ESM is specified in relation to an existing building in an OP (under regulation 194) or maintenance determination (under regulation 215), the RBS must prepare or update a maintenance schedule to comply with regulation 222. This means that where a building has multiple CFI's or OP's, the RBS must prepare a consolidated maintenance schedule that lists all the ESMs and maintenance requirements for the building.

**Related Documentation**

- Building Act 1993
- Building Regulations 2018
- Code of Conduct for Building Surveyors in Victoria 2020
- Building Practice Note Building Permits BP 07 Time limits for building work and lapsed building permits

**List of Amendments**

- Minor amendments to improve readability
- Update format and content review



## Document history

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