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## 1200 BUILDINGS PROJECT ADVICE SHEET

### Complying with regulations

When planning to retrofit your building, it is important that you know and understand the legislation that applies to your development. There are a number of Acts and Regulations that provide a framework for standards that must be met and outcomes that must be achieved.

The Planning and Environment Act (and the Melbourne Planning Scheme) applies to changes in land use, heritage buildings or any external changes while the Building Act and Regulations apply to detailed construction requirements.

Where the legislation applies there are permits that must be approved prior to commencement of your project.

This advice sheet touches on a couple of key elements you should be aware of:

- **Planning permits**
- **Building permits**
- **Building Code of Australia - Section J**
- **Essential Services**
- **Commercial Building Disclosure (Mandatory Disclosure)**

So, what are these regulations, and how do they apply to your retrofit project?

## PLANNING PERMIT

### What is it?

A planning permit is required if the building retrofit proposes changes to the exterior of the building, a change in how the building is used or where there is an increase in the floor area. In some Heritage buildings, it may also be necessary to apply for a planning permit for interior alterations.

More information is available at:

[www.melbourne.vic.gov.au/BuildingandPlanning](http://www.melbourne.vic.gov.au/BuildingandPlanning)

[www.dpcd.vic.gov.au](http://www.dpcd.vic.gov.au)

Download: Planning: A Short Guide (PDF, 538kb)

### How does it work?

The planning permit process is very structured.

1. An application is lodged. This application must show works to be undertaken during the building development. You may want to seek professional advice in making this application, for example, from an architect. The application is submitted to the City of Melbourne's Planning and Building Department.
2. A City of Melbourne planning officer checks the application. If further information is necessary for the application to be properly assessed, it is requested at this point.
3. The application is advertised if required.
4. The application and all correspondence relating to the application are assessed by senior planning officers. If requested by Councillors, the application is referred to the City of Melbourne's Future Melbourne Committee.
5. The Future Melbourne Committee or a delegate approves the application (with or without conditions) or refuses it.
6. An application for review of a Council decision may be lodged with the Victorian Civil and Administrative Tribunal (VCAT), and a final binding decision will be made there.

Planning permit application fees based mainly on the estimated cost of development range from \$100 - \$16,000.

More information about planning permit fees is available on the 1200 buildings website: [www.melbourne.vic.gov.au/1200buildings](http://www.melbourne.vic.gov.au/1200buildings)

### How can I be sure that the building retrofit will not need a planning permit?

Contact the City of Melbourne Planning Department: 03) 9658 9658

### When is it needed?

The planning permit is needed in the planning phase of the retrofit project. If it is required, it must be approved prior to issuing the building permit.

Provided that all of the required information is submitted, no advertising is required and the proposal is consistent with the Melbourne Planning Scheme, a planning permit is likely to be issued within 14 days.

## BUILDING PERMIT

### What is it?

A building permit will be required in a typical retrofit project when essential services, building structure, mechanical systems, building usage have been modified or upgraded.

A building permit is required by law, and shows that you have approved documentation before commencing work. It's designed to ensure that proper standards have been met.

#### Where do I find more information?

[www.buildingcommission.com.au](http://www.buildingcommission.com.au)

### How does it work?

The building permit process has been deregulated in Victoria and consultancy advice and permits can be sourced from the City of Melbourne via its business arm, Melbourne Certification Group or from a private building surveyor. In each case you will need to submit for their approval all relevant information including:

- a building permit application form
- title/ownership details
- any required report and consents
- protection works notices (where applicable)
- architectural plans and specifications
- structural drawings / details
- electrical plans and specifications
- mechanical plans and specifications
- fire services plans and specifications
- hydraulic plans and specifications
- electrical plans and specifications

The building surveyor will carry out the mandatory inspections of the works and the final inspection. They will also issue a Certificate of Final Inspection or an occupancy permit when the works are complete and the building is 'suitable to occupy' from a health and safety point of view.

Fees for a building permit and project inspections are based on the size and scope of the work. This could range from \$1000 - \$80,000 or more. Fees and charges will also be applied for any works that may impinge on roads, City of Melbourne land or footpaths.

An indication of costs can be found on the 1200 buildings website in the fee case studies section.

[melbourne.vic.gov.au/1200buildings/BuildingPermitsApprovals/Pages/BuildingPermitsApprovals.aspx](http://melbourne.vic.gov.au/1200buildings/BuildingPermitsApprovals/Pages/BuildingPermitsApprovals.aspx)

### How do I find a suitable building surveyor?

Contact the Melbourne Certification Group:  
[mcg@melbourne.vic.gov.au](mailto:mcg@melbourne.vic.gov.au)

The group has extensive experience in all aspects of building certification, design consultation and inspections on projects of any scale and complexity.

### When is it needed?

A building permit is needed in the planning phase of your project and cannot be issued until a planning permit is issued if one is required.

Do not proceed with the works until you have received formal approval from a Registered Building Surveyor.

## BCA Section J

### What is it?

The Building Code of Australia (BCA) which forms part of the National Construction Code series specifies the requirements for building work within a series of alphabetically listed sections. These include provisions for types of construction, fire ratings, egress, structural requirements, light and ventilation, services and in Section J, energy efficiency.

Section J provisions relate to commercial building energy efficiency requirements such as;

- building fabric
- glazing
- building sealing
- air conditioning and ventilation systems
- artificial lighting and power
- hot water supply and swimming pool & spa pool plant; and
- access for maintenance and facilities for monitoring.

Unless the retrofit includes the construction of new spaces or extensions to the building, or changes to building use, then BCA Section J will not need to be considered. However, to be on the safe side, ask that your engineering consultant checks with a building surveyor that Section J does not apply to the retrofit.

More info at: [www.abcb.gov.au](http://www.abcb.gov.au) > Publication  
BCA Section J: Assessment and verification of an Alternative Solution

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### How does it work?

The design of the building is measured and checked against all the requirements of the BCA Section J. The results of this assessment are then compiled into a professional report (BCA Section J Report) and submitted to the Building Surveyor. This is expected to be provided with the Building Permit application.

In order that the assessment and report are prepared properly, it is best to engage an experienced and qualified energy efficiency consult to do this.

### When is it needed?

All new commercial building projects are required to have a compliance report completed, generally at design stage to demonstrate they comply with Section J.

## Essential service measures

### What is it?

Retrofitting an old building provides an opportunity to upgrade the building's essential services. This includes the fire and life safety items installed or constructed in a building to ensure adequate levels of fire safety over the life of the building.

Essential safety measures include all traditional building fire services such as sprinklers and mechanical services but also include passive fire safety such as fire doors, fire rated structure and other building infrastructure items such as paths of travel to exits.

More information at: [www.buildingcommission.com.au](http://www.buildingcommission.com.au)

### How does it work?

If you had to apply for a planning permit, then essential services will be regulated by the *Environmental Planning & Assessment Regulations 2000*. This mandates that essential fire safety measures must be maintained and that on the anniversary of the date of the final fire safety certificate, an annual fire safety statement must be prepared by the owner or agent and displayed on the premises.

If you had to apply for a building permit, the essential services will be regulated under the *Building Act 1993 (Building Regulations 2006)*. By law, you must prepare an Annual Essential Safety Measures Report (AESMR), showing that the building complies fully with the regulations. All essential safety measures reports, records of maintenance checks, services and repair work to the building must also be kept on the premises.

The AESMR is kept on site. It is not sent to any authority or checked. It is incumbent on the owner to ensure these reports are prepared and retained. In the event of a fire which causes damage or injury there would be consequent liabilities if it was found that the essential services were not maintained or reports not kept in accordance with the regulations.

### When is it needed?

Essential services need to be assessed as part of a building's initial survey.

It can be a risk to a retrofit if the essential services have not been maintained or it is found that AESMRs have not been prepared annually or kept. Also, if the essential services are not factored into the retrofit process, it will be more costly to implement after completion.

There is also the risk that changes made to the HVAC system may impact on essential services (eg smoke control systems), so integrated systems testing needs to be undertaken in the commissioning phase of the project.

## COMMERCIAL BUILDING DISCLOSURE (CBD)

### What is it?

On 1 November 2010, it became mandatory to obtain and disclose an up-to-date energy efficiency rating at point of lease or sale of commercial office buildings greater than 2000 m<sup>2</sup> of net lettable area.

CBD is managed by the Australian Government Department of Climate Change and Energy Efficiency.

For more information visit the Commercial Building Disclosure website: <http://cbd.gov.au/>

### How does it work?

For a period of 12 months from 1 November 2010, the CBD will require a base or whole building NABERS Energy rating. (See Advice Sheet #2 Rating Tools).

From 1 November 2011, a full Building Energy Efficiency Certificate (BEEC) will need to be disclosed.

BEECs are valid for 12 months, must be publicly accessible on the online Building Energy Efficiency Register, and include:

- a NABERS Energy star rating for the building
- an assessment of tenancy lighting in the area of the building that is being sold or leased
- general energy efficiency guidance.

The NABERS Energy star rating must also be included in any advertisement for the sale, lease or sublease of the office space.

BEECs can only be provided by a CBD Accredited Assessor.

Prior to 1 November 2011, this can be provided by a NABERS Accredited Assessor.

See a sample BEEC at [www.propertyoz.com.au/library/p71-77.pdf](http://www.propertyoz.com.au/library/p71-77.pdf)

### When is it needed?

If you have a building 2000 m<sup>2</sup> lettable space, you need to:

- Obtain a BEEC every year, and publish this on the CBD website
- Advertise the BEEC rating at any time you sell or lease space in the building.