

# Advisory note

A service to A.G. Coombs clients

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## Expected Changes to the Victorian Building Act and Changes to Essential Services Requirements

A revision of the Essential Services provisions within the Victorian Building Regulations (1994) has been expected for some time. The Building Regulations themselves are now about to be revoked and new Regulations are expected to be put in place in January 2005. Significant changes relating to Essential Services will form part of the new Regulations. The following developments are believed to be under consideration:

- The differentiation between Division 1 and Division 2 Buildings to be removed from the Regulations for the purposes of Essential Services. All buildings notwithstanding year of construction to be subject to Essential Services provisions and will require an annual compliance statement. Currently pre 1994 buildings are largely exempt from Essential Services requirements.
- Amendments to the Annual Essential Services Report (Form 15) to address all buildings, including existing buildings constructed prior to July 1994, and those with statutory directions, e.g. occupancy permits, determinations.
- Requirement to submit the Annual Essential Services Report to the local Council within 7 days of issue.
- Development of a new schedule of essential services, Form 16, to be issued by a Building Surveyor instead of a list appended to the occupancy permit or a determination for new buildings or alterations to existing buildings. Building owners to have a period of two years to arrange the issue of a Schedule of Essential Services.
- Where there are multiple occupancy permits, determinations, schedules of essential services and multiple Annual Essential Services Reports for a facility these may be

consolidated by a Building Surveyor into one for each category.

- Updates of Essential Services determinations and schedules of Essential Services where there has been an error in nomination or a change can be made by a Building Surveyor.
- Essential Services logbooks must be provided within two days of a request by an authority and may be stored off site.
- Building occupiers to be penalised if they cause exits or paths of travel to an exit to be obstructed.
- Only air conditioning systems that include a cooling tower or incorporate fire precaution features to be subject to essential services requirements.
- Significant increases in penalties and new penalties for new requirements.

A Regulatory Impact Statement (RIS) is expected to be issued by the Victorian Building Commission for public comment in March 2004.

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