

inform

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CH2

Melbourne's new
green office
building

Commissioner's comments



It is time to reflect on another successful year for the Victorian building industry, one in which hard work and commitment have again seen the industry exceed expectations. A new set of building regulations and more record-breaking building activity, have made 2006 a year to remember.

Following the full introduction of the 5 Star standard for domestic homes last year, 2006 saw energy-efficiency measures for commercial and public buildings introduced nationally through the *Building Code of Australia (BCA) 2006*. The significant benefits to the environment that commercial energy measures will provide through reduced greenhouse gas emissions and reduced energy costs for owner/occupiers cannot be ignored. A prime example of the worth of green building can be seen in Melbourne's Council House 2 (CH2), which incorporates a number of excellent environmental building initiatives. More details are included in this edition of *Inform*.

Against this backdrop of new green building initiatives, building activity has continued to increase and perform strongly. Latest October figures show more than \$1.5 billion worth of building permits were issued across Victoria – the highest October result on record. While we still await the final calendar year result for building permit activity in 2006, it appears as if the industry has again performed above expectations.

Strong building permit activity is indicative of an accomplished, skilled workforce and it is therefore interesting to see the gains made in Continuing Professional Development (CPD).

I'm delighted to report that CPD participation numbers continue to increase, with almost 25 per cent of all Registered Building Practitioners currently reporting their CPD. Also, the recent CPD Awards were again a resounding success, recognising the industry's high achievers and their commitment to quality.

Another initiative that is helping to deliver a skilled workforce is the Indigenous Plumbing Apprenticeship Scheme. Established in 2005, the scheme provides excellent opportunities for young Indigenous Australians to undertake plumbing apprenticeship training. The Minister for Planning, Rob Hulls recently welcomed two new apprentices into the scheme. More details can be found in this edition of *Inform*.

With so many remarkable achievements in a year that saw the Victorian building industry play an important role in preparations for the most successful Commonwealth Games in history, it is little wonder that the industry finds itself on a solid footing as we approach the New Year.

I would like to wish you all a safe and happy holiday season and look forward to a prosperous Victorian building industry in 2007.

A handwritten signature in black ink, appearing to read 'Tony Arnel', written over a white background.

Tony Arnel LFRAIA
Building Commissioner



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Building Commission

Regulating for a safe, livable and sustainable built environment.

The Commission oversees building legislation, regulates building practices, advises the State Government and provides services to industry and consumers.

Left: Council House 2 (CH2) is a visionary new building that incorporates ecologically sustainable design. See page 5 for the full story.



*On Friday, 1 April 2005,
the Green Building
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Green Certified Rating
– representing world
leadership in office
building design*

CH2 → Melbourne's new green office building

By the Lord Mayor,
John So, City of
Melbourne.

Council House 2 (CH2) is a visionary new building with the potential to change the way Australia approaches ecologically sustainable design.

On Friday, 1 April 2005, the Green Building Council of Australia awarded the design of CH2 a six Star Green Certified Rating – representing world leadership in office building design.

CH2 has sustainable technologies incorporated into every conceivable part of its 10 storeys. A black water-mining plant in the basement, phase-change materials for cooling, automatic night-purge windows, wavy concrete ceilings, a façade of louvres (powered by photovoltaic cells) that track the sun – even the pot plant holders have involved a whole new way of thinking.

Principles, such as using thermal mass for cooling and plants to filter the light, are incorporated into CH2 in a comprehensive, interrelated fashion.

Setting an Example

CH2's environmental features are estimated to pay for themselves within 10 years, and overall, the entire building will pay for itself in around 36 years of its 50-year lifespan.

However, CH2's wider value is as an example for others to follow. Compared with the existing Council House (located next door on Little Collins Street), CH2 will reduce electricity consumption by 85 per cent and gas consumption by 93 per cent. This means CH2 will use only 13 per cent of the energy consumed by the existing Council House.

Emissions from CH2 will be 64 per cent less than those of a building with the maximum 5 Star rating under the Australian Building Greenhouse Rating (ABGR) energy scheme. It will produce only 20 per cent of the emissions of the current Council House.

Although the reduction in energy costs will be substantial, the greatest economic benefit is expected to be in increased productivity, reduced absenteeism and lower staff turnover rates, which are key employment costs. Studies have shown the improved air quality of CH2's state-of-the-art air conditioning system could achieve a 4.9 per cent increase in productivity, in part through reduced sick leave.

Below: Council House 2 comprises many components that work together to heat, cool, power and water the building.

It is predicted this will save the City of Melbourne up to \$1.12 million a year.

Going green

The City of Melbourne decided to embark on this revolutionary project when faced with a pressing need for office space and the desire to breathe life into an under-used section of the city, directly opposite Melbourne Town Hall.

Rather than build a regular office building, the Council seized the opportunity to put its environmental credentials into action with a building that was at once innovative, creative, technologically advanced,

environmentally sustainable and financially responsible, while setting an example for others to follow.

How it works

CH2 has been designed to reflect the planet's ecology, which is an immensely complex system of interrelated components. Just as it is impossible to assess the role of any part of this ecology without reference to the whole, CH2 comprises many parts that work together to heat, cool, power and water the building, creating a harmonious environment.

For example, in nature, dark colours absorb heat and hot air rises. Accordingly, CH2's north façade will comprise 10 dark coloured air extraction ducts that absorb heat from the sun, helping stale air inside rise up and out of the building.

The south façade comprises light-coloured ducts that draw in fresh air from the roof and distribute it down through the building. Staff are able to control the flow of this 100 per cent fresh air to their work spaces by floor vents. Louvres made from recycled timber shade the west facade. Energy from photovoltaic roof panels power the louvres, which move according to the position of the sun. Together these features combine to create a controlled and healthy climate.

About 100,000 litres of black (toilet) water a day will be extracted from the sewer in Little Collins Street. A city sewer usually holds 95 per cent water – a burden on the system and a waste of water. The sewage, along with any generated on site, will be put through a multi-water treatment plant that will filter out the water and send solids back to the sewer. The extracted water will be treated through a micro-filtration system to create A-grade clean water suitable for all non-drinking uses.



Although the reduction in energy costs will be substantial, the greatest economic benefit is expected to be in increased productivity, reduced absenteeism and lower staff turnover rates.

This system will generate around 36.5 million litres of recycled water each year.

Some of the recovered water will supply CH2's water cooling, plant watering and toilet flushing needs. The rest will be used in other council buildings or for city fountains and plants. More water will be saved through recycling water from the fire-safety sprinkler system and from rainwater.

The future

CH2 was completed and commissioned in August – September 2006, with 540 City of Melbourne staff moving in to their new home on October 15. Early reports are that staff love the building and are excited to be working in such a unique office space.

The next important milestone for CH2 will be in late 2007 when the first year's data on the building's operation and staff productivity become available. These figures will prove whether the building lives up to its potential, and are crucial to its future success as a green building role model.

Ideally, the release of CH2's performance figures will provide a new economic and social rationale for green building and vindicate the Council's courage in creating the building.

For more information on Council House 2, visit www.melbourne.vic.gov.au



Above: CH2 is expected to save the City of Melbourne \$1.5 million per year.

On the pulse^o

- Heating, ventilation, air conditioning and lighting account for 84 per cent of commercial building sector greenhouse emissions.
- 54 per cent of commercial builders rate their knowledge of environmental sustainable building as high or very high.
- 36 per cent of commercial consumers discussed environmentally sustainable building designs, materials or processes during the planning of the project with their builder.

Facts and figures

Council House 2 is a 10-storey office building housing approximately 540 City of Melbourne staff, with ground-floor retail spaces and underground parking at 218-242 Little Collins Street. Gross floor area (GFA): 12,536m² comprising:

- **1,995m² GFA basement areas**
- **500m² net letable area (NLA) – ground floor retail**
- **9,373m² total NLA**
- **1,064m² GFA – typical floor**

Bike spaces: **80**

Showers for cyclists: **9**

Car spaces: **20**, plus one disabled space.

The car park can be converted to office space or other uses.

Project cost

\$77.14 million: Little Collins Street precinct development (including CH2 building costs), roadwork, upgrades to other buildings, professional fees, relocation costs, fit-out, art costs, footpaths, landscaping and other costs.

Total building costs: \$51.045 million

Environmental savings

In comparison with the existing Council House, CH2 is expected to:

- reduce electricity consumption by **85 per cent**
- reduce gas consumption by **87 per cent**; and
- reduce water mains supply by **72 per cent**.



Above: CH2 has sustainable technologies integrated into every conceivable part of its 10 storeys.

CPD Awards 2006

A Building Surveyor with the City of Kingston and a builder from North Caulfield were the big winners in the second annual Continuing Professional Development Awards, held in Melbourne on 10 November.

Building Commissioner Tony Arnel presented the award for the 15 point category to Building Surveyor Asanka Kodikara, and the 12 point category award to builder Glenda Didier – with both winners also receiving funding towards future Continuing Professional Development.

"We are extremely impressed with the calibre and standard of all entrants," Mr Arnel said.

Commendation awards in the 15 point category also went to Guy Romeo of Swan Hill and Patrick Irwin of Albert Park. Peter Niven of Arthurs Seat and Terry Lynch of Mildura both took out commendation awards in the 12 point category.

Other finalists on the night included Dug Pomeroy and Graham Wines, in the 12 point category, and Colin Brown, Peter Luzinat and Colin Van Eck in the 15 point category.

The finalists for both categories were chosen based on the implementation of their CPD learning within their workplace or businesses.

This year's awards also featured a new category – the Education Provider Award, which recognised excellence in service, delivery or course content for a CPD education provider. The MBAV received this honour for excellence in their delivery of Occupational Health and Safety training.

CPD Awards 2007

With the popularity of this year's awards, entries for next year's CPD Awards will open in January 2007. An application form will be available on the Building Commission website www.buildingcommission.com.au from the end of January.

Applications for the 2007 awards will close in October, with the award event scheduled for the second week of November 2007.



This year's awards also featured a new category – the Education Provider Award, which recognised excellence in service, delivery or course content for a CPD education provider.



Above: Building Commissioner Tony Arnel and Chair of the Building Practitioner's Board, Carolyn Lloyd present Asanka Kodikara with the CPD award for the 15 point category.



Above: Glenda Didier accepts the CPD award for the 12 point category from Building Commissioner Tony Arnel and Chair of the Building Practitioner's Board, Carolyn Lloyd.

Indigenous plumbing apprenticeship scheme welcomes new recruits

The former Minister for Planning, Rob Hulls, recently welcomed two new apprentices to the Indigenous Plumbing Apprenticeship Scheme.

Godfrey Perkins and Kaleb Binsali, from Darwin, joined six young Indigenous people from Broome, Darwin and Victoria who had already completed the first year of the four-year apprenticeship.

"I congratulate all the apprentices who have successfully completed their first year, and welcome the new recruits to Melbourne to begin learning their chosen trade," Mr Hulls said.

Launched in April 2005, the Indigenous Plumbing Apprenticeship Scheme encourages young Indigenous people to undertake plumbing apprenticeship training and creates valuable job opportunities for graduates.

"Each of these apprentices will return to their communities, whether in Victoria, Western Australia or the Northern Territory, and will themselves train four or five apprentices during their working lives," Mr Hulls said.

"This scheme helps the participants, the plumbing and building industries and Indigenous communities, and it should be commended.

Each of these apprentices will return to their communities, whether in Victoria, Western Australia or the Northern Territory, and will themselves train four or five apprentices during their working lives.

"I am very pleased to support this initiative through the CEPU Plumbing Division, VICTEC, the Plumbing Industry Commission and the Building Commission, and am extremely encouraged by the opportunities the scheme is providing young Indigenous Australians."

Mr Hulls also congratulated the scheme's two award-winning apprentices Tehani Mahony, 21, and Alan (AJ) Moore, 19, both from Broome.

The pair received Federal Government awards for outstanding achievement among Indigenous Australians earlier in the year, as part of the National Aboriginal and Islanders Day Observance Committee (NAIDOC) week.

Below: Building Commissioner and Plumbing Industry Commissioner Tony Arnel, CEPU Secretary, Earl Setches, Essendon's Dean Rioli and former Minister for Planning Rob Hulls, meet participants in the Indigenous Plumbing Apprenticeship Scheme.



Project support tool wins national award

A world-first technology, which diagnoses and provides solutions to under-performing construction projects, has won a national excellence award.

Project Diagnostics, developed by the Cooperative Research Centre for Construction Innovation, won the 2006 Professional Excellence award for research and development at the Australian Institute of Building national awards on 29 September.

This innovative software, now being marketed throughout the world, identifies specific areas of poor project health, pinpoints the root causes and suggests remedies.

Project Director John Tsoukas, of global engineering firm Arup, says Project Diagnostics serves as an advance warning system, which is specially tailored for construction projects that are failing to meet their goals.

"There are five basic questions you could ask of any working or project manager: Is your project going off the rails? Do you want to know why? Do you want to know what to do about it? Do you want to save the business case? Do you want to avoid bad publicity?

"If the answer to any of these questions is yes, then they may need Project Diagnostics," Mr Tsoukas says.

Construction Innovation CEO Keith Hampson says the national award recognised the innovative nature of the software and its potential benefits to the construction industry.

"It enables an industry consultant to assess the construction project's conduction, pinpoint why it may not be performing to expectations and recommend remedial measures for returning it to good health," Dr Hampson says.



Left to right:
Software developer
Daniyal Mian and
Project Director
John Tsoukas.

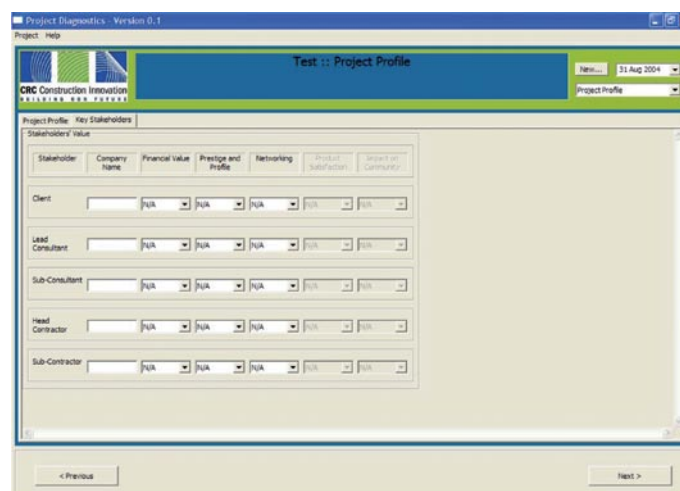
The technology was developed by a *Construction Innovation* team led by Arup, Queensland University of Technology, CSIRO, John Holland and the Queensland Departments of Public Works and Main Roads.

The toolkit has undergone a robust testing and refinement process using real-life construction projects from Australia and overseas.

Project Diagnostics assesses whether the critical success factors are on track for project success using a series of key performance indicators. These were chosen because they are easily measured, independent, sensitive, and have broad application across the various project phases, procurement methods, project sizes and levels of complexity. Once a critical success factor is found to be under-performing, the root causes are identified using the further assessment of numerous contributing factors.

Correct and timely identification of these contributing factors allows the project manager or consultant to develop effective, focused remedies. The Project Diagnostics model is cyclic and repeats the investigation until all the identified problems have been ironed out.

This enables the client or project manager to achieve a continuous improvement in project 'health' and delivery, Mr Tsoukas says.



Left: A screen view
of the award winning
Project Diagnostics
construction software.

BPB inquiries

September – November 2006

Practitioner	Registration	Summary of allegations	Penalty
Ronald GRAAFMANS (Magpie)	DB-U 6556	<ul style="list-style-type: none"> In May 2004, the building practitioner entered a major domestic building contract for an addition to an existing dwelling in Creswick, to the value of \$73,160. The building practitioner admitted not being covered by the required insurance, failing to comply with s136 (2) of the <i>Building Act 1993</i>. The building practitioner failed to date or enter start and finish dates on the contract in breach of s31 (1) of the <i>Domestic Building Contracts Act 1995</i>. The building practitioner received a deposit in excess of 5 per cent, being \$6000 in breach of s11 (1) of the <i>Domestic Building Contracts Act 1995</i>. The building practitioner also demanded and received frame stage payment of \$18,837 on 16 and 22 September 2004, prior to the frame stage approval by the building surveyor on 27 September 2004, breaching s40(2) of the <i>Domestic Building Contracts Act 1995</i>. The inquiry was heard as a plea of guilty for all four allegations. The Building Practitioners Board found the building practitioner guilty on all of the four allegations. The Board noted this was the building practitioner's first inquiry appearance and took into account the builder's 30 year's experience in the industry. The Board was disappointed with the practitioner's lack of knowledge regarding responsibilities in accordance with the Acts and Regulations. 	Fine \$3,000 Costs \$250
Maruata BROWN (Burwood)	DB-L 21135	<ul style="list-style-type: none"> In July 2003, the building practitioner applied for a building permit for a class 1a demolition of an existing dwelling at Box Hill South. No building permit was issued in respect to the proposed building work. The practitioner completed the demolition work without a building permit, contrary to s16 (1) <i>Building Act 1993</i>. At the time of the inquiry (July 2006), the building practitioner's registration was suspended for failure to renew. As the offence occurred 3 years earlier, the Board decided to dismiss the allegation in accordance with s179A (2) <i>Building Act 1993</i>. The Board reserved the right to re-activate the inquiry in the event that the suspension of the building practitioner's registration was lifted. 	N/A

Practitioner	Registration	Summary of allegations	Penalty
Joseph SOCCIO (Oak Park)	DB-U 9027	<ul style="list-style-type: none"> • In January 2004, the building practitioner entered into a major domestic contract to construct a new dwelling at Wallan, to the value of \$408,000. • After being engaged for domestic building work, for which a building permit had been issued, the building practitioner failed to comply with s24(4B) of the <i>Building Act 1993</i>, in that he failed to notify the relevant building surveyor of his engagement in writing, within 14 days, providing details of the required insurance. • The building practitioner was also not covered by the required insurance in breach of s136 (2) of the <i>Building Act 1993</i>. • Both allegations were heard as plea of guilty, and the inquiry found the building practitioner guilty of both allegations. • The Board noted this was the building practitioner's first inquiry appearance and considered the efforts of the building practitioner to communicate with the owners, as well as his attempts to resolve the problem. 	Fine \$2,000 Costs \$250
Roger KIDD (Foster)	BS 1235	<ul style="list-style-type: none"> • On 5 November 2003, a building permit application was lodged for the removal of an existing barbeque shelter and construction of a new shelter at a property at Lakes Entrance. The following day, the building practitioner issued a building permit for the work. • A concerned adjoining owner called the council, as the construction was against the boundary fence, and was advised that no planning permit had been issued. • The building practitioner failed to comply with s24 (1)(c) of the <i>Building Act 1993</i> in that he issued a building permit when a planning permit was required, and he could not have been satisfied that a planning permit had been obtained. • The inquiry was heard in the form of a written submission. The practitioner entered a guilty plea. • The Board found the building practitioner's assumption that no planning permit was required, due to the existing shelter, was no justification. The consideration that there should have been an existing planning permit, (if there was one) should have been made at the very least. The fact that this was the practitioner's second inquiry before the Board was also noted. 	Fine \$3000 Costs \$250

Prosecutions

September – November 2006

See full court reports by logging on to www.buildingcommission.com.au

MICHAEL GREGORY CHAPLIN
DB-U 5905
(Noble Park)

Decision – Convicted and fined an aggregate of \$10,000 and ordered to pay costs of the prosecution in the sum of \$4,285.

In March 2005, the subject was engaged to make alterations to a holiday house in Tootgarook. He did not provide the owners with a written contract. He also demanded and received a deposit of approximately 8.5 per cent of the contract price when the *Domestic Building Contracts Act 1995* (DBCA) limited the amount of the deposit to 5 per cent. He carried out the building work without first obtaining a building permit or taking out domestic building insurance.

The subject was charged with:

1. demanding and receiving an excessive deposit, contrary to section 11(1) of the DBCA;
2. entering into a major domestic building contract that did not comply with the requirements of section 31(1) of the DBCA;
3. carrying out building work without a building permit, contrary to section 16(1) of the *Building Act 1993*; and
4. carrying out domestic building work under a major domestic building contract without the required insurance, contrary to section 136(2) of the *Building Act 1993*.

The subject did not attend court and the charges were found proven in his absence.

JOHN PATRICK HADDEN
DB-U 4840 - registration suspended
(Malvern East)

Decision – Convicted and fined an aggregate of \$25,000 and ordered to pay costs of the prosecution in the sum of \$7,044.05.

The subject's company was engaged to build extensions and carry out renovations to three houses in North Balwyn, Armadale and East Malvern. The subject was the sole director of the company and carried out the building work on its behalf. He did not take out domestic building insurance to cover any of the three jobs. In order to obtain building permits for two of the jobs, he submitted falsified insurance certificates to the relevant building surveyors. When the owner of the third house asked for proof of insurance, the subject also provided him with a falsified certificate.

The subject was charged with:

1. carrying out domestic building work under a major domestic building contract without the required insurance, contrary to sections 136(2) and 243 of the *Building Act 1993* (Act) (three charges);
2. holding out as being covered by the required insurance, contrary to sections 137 and 243 of the Act (one charge); and
3. knowingly providing false or misleading information to persons carrying out functions under the Act, contrary to section 246 of the Act (two charges).

The subject did not attend court and the charges were found proven in his absence.

THE PENINSULA BATHROOM SHOP PTY LTD and SHANE ELYSE HOLLINGWORTH
Unregistered
(Mornington)

Decision – Charges found proven, but dismissed without conviction pursuant to section 76 of the *Sentencing Act 1991*. The subject was ordered to pay costs of the prosecution in the sum of \$2,500.

In May 2004, the subject's company was engaged to renovate a bathroom and ensuite at a cost of approximately \$9,500. The subject was the owner of the business and the sole director of the company. She has never been registered as a builder under the *Building Act 1993*. The company demanded and received a deposit of approximately 21 per cent of the contract price when the *Domestic Building Contracts Act 1995* (DBCA) limited the amount of the deposit to 10 per cent. The contract did not contain all the information required by section 31(1) of the DBCA.

The company was charged with:

1. demanding and receiving an excessive deposit, contrary to section 11(1) of the DBCA;
2. entering into a major domestic building contract when no director was registered under the *Building Act 1993*, contrary to section 29 of the DBCA; and
3. entering into a major domestic building contract that did not comply with the requirements of section 31(1) of the DBCA.

The subject was charged pursuant to section 129 of the DBCA with the same offences on the basis that she was a party to the offences committed by the company.

Building permits and relevant planning permits

PERRIN CONSTRUCTIONS PTY LTD
and COLIN HAROLD PERRIN
(Registration suspended)
(Cape Schanck)

Decision – The company was convicted and fined \$2,000 and ordered to pay costs of \$2,346.44. The charge against Colin Perrin was adjourned without conviction on him giving an undertaking to be of good behaviour for 12 months and on condition that he pay \$750 to the Court Fund within three months.

The company entered into two contracts to construct a new house, driveway and swimming pool in Mount Eliza. The total contract price was \$495,000. The subject was one of the directors of the company and was the only director who was registered as a building practitioner.

The company carried out building work under the two contracts, under the subject's supervision and control, between October 2004 and October 2005. At the time work began on the job, the subject was registered as a domestic builder – unlimited. His registration in that class was suspended on 2 July 2005. He remained registered as a commercial builder and as a domestic builder – limited. The latter class of registration only allowed him (and hence the company) to work on domestic projects with a value of less than \$12,000. The company nevertheless continued work on the job.

The company was charged with carrying out domestic building work under a major domestic building contract when not registered in the appropriate class of domestic builder, contrary to section 176(2A) of the *Building Act 1993*. The subject was charged pursuant to section 243 of the *Building Act* with the same offence, on the basis that he was a party to the commission of the offence by the company.

The case was heard as a plea of guilty.

A number of councils have written to the Commission over recent months highlighting instances where building permits were issued when the operation of the relevant planning scheme has meant that a planning permit should have been issued.

Building Surveyors have a responsibility under section 24 of the *Building Act 1993* to ensure they are satisfied that any relevant planning permit has been obtained prior to issuing a building permit.

The requirement for a planning permit can be triggered by the operation of an overlay and associated schedules. Schedules to Design and Development Overlays, and Significant Landscape Overlays can often contain siting and design controls that if met exempt proposed buildings and works from a planning permit. In the case where a design does not meet the requirements of the siting controls in the overlay, a planning permit is required.

Other overlays, such as the Heritage and Neighbourhood Character Overlays, require planning permits for a range of matters, including demolition that may not normally require planning permits. The Neighbourhood Character Overlay can also vary setback, height and other siting requirements of Clauses 54 and 55 of the planning scheme.

It is the owner's responsibility to ensure that an application is made for a planning permit if required but it is the relevant Building Surveyor's responsibility to ensure that a building permit is not issued where a relevant planning permit is required but has not been issued.

Methods of determining whether a relevant planning permit is required include:

- Referring directly to the planning scheme if you have the necessary expertise
- Obtaining independent professional advice.

However, due to the complexity of the overlays it is advisable that Building Surveyors, owners or their agents enquire with the relevant responsible authority to obtain written advice prior to issuing building permits to avoid misinterpretation of the controls.

Practice Note 44 – 2006 provides additional guidance and advice that will assist Building Surveyors and owners in establishing whether a planning permit is required.

Planning schemes can be viewed on-line at www.dse.vic.gov.au/planningschemes.



It is the relevant Building Surveyor's responsibility to ensure that a building permit is not issued where a relevant planning permit is required but has not been issued.

Highest October on record for building industry

With more than \$1.5 billion worth of building permits issued across Victoria, the state has had its highest October on record, according to Building Commission pulse data.

Significant increases were experienced in Hospital/Health Care and Public building permits, with rises of 950.7 per cent and 105.0 per cent respectively. The increases can be largely attributed to several major developments, including upgrades to the Royal Women's Hospital, Maroondah Hospital and several aged care facilities.

Many rural areas also experienced permit levels above the state average increase of 18.6 per cent.

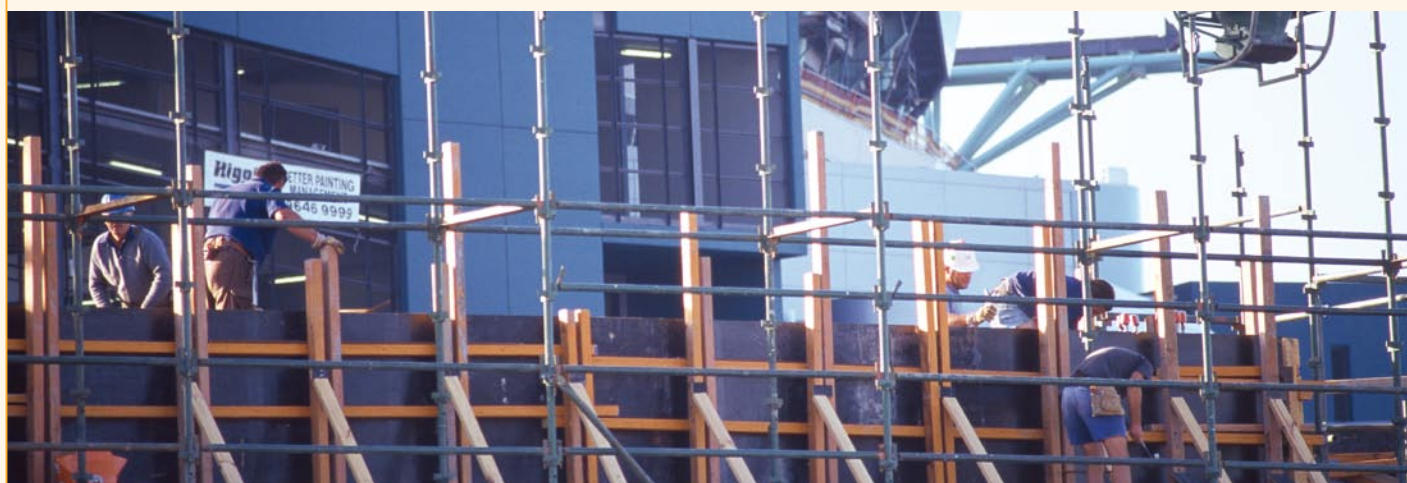
An increase in Residential building permits of 42.7 per cent contributed to a 48.8 per cent increase in permits for Inner Melbourne. Many rural areas also experienced permit levels above the state average increase of 18.6 per cent. North-Central was the only rural area to decrease in building permit activity with a drop of 64.4 per cent, which can be largely attributed to major developments spiking 2005 figures, including the \$71.6 million Fountain Plaza in Bendigo and a Police Station for \$14.5 million.

Building permits by building use (value \$)

	Oct 2005 \$million	Oct 2006 \$million	Change %
Domestic	\$719.0	\$782.6	8.8
Residential	\$60.2	\$85.9	42.7
Commercial	\$334.8	\$354.4	5.9
Retail	\$90.3	\$92.8	2.8
Industrial	\$37.3	\$34.1	-8.6
Hospital/Healthcare	\$7.3	\$76.7	950.7
Public buildings	\$63.8	\$130.8	105.0
Total	\$1,312.8	\$1557.3	18.6

Building permits by region (value \$)

	Oct 2005 \$million	Oct 2006 \$million	Change %
Inner Melbourne	\$457.3	\$680.4	48.8
Outer Melbourne	\$479.9	\$546.0	13.8
Total Metropolitan	\$937.2	\$1,226.4	30.9
South West	\$80.7	\$99.3	23.1
North West	\$49.8	\$65.8	32.1
North Central	\$143.8	\$51.3	-64.4
North East	\$50.9	\$53.6	5.2
Gippsland	\$50.4	\$61.0	20.9
Total Rural	\$375.6	\$330.9	-11.9
Total Victoria	\$1,312.8	\$1,557.3	18.6



Section 163 Agreements

Top ten municipalities by value (October 2006)

Municipality	Value (\$'000)
1. Melbourne	\$198,621
2. Port Phillip	\$79,594
3. Boroondara	\$75,124
4. Wyndham	\$67,319
5. Monash	\$60,570
6. Casey	\$56,149
7. Mornington	\$54,536
8. Greater Geelong	\$48,704
9. Greater Dandenong	\$45,064
10. Bayside	\$37,220

For more information on building statistics, visit the Building Commission's *Pulse* at www.buildingcommission.com.au/pulse

The Building Commission collects Victorian building information, monthly from building surveyors, who provide details of the building permits they issue. This media release is based on a summary of this information.

On the pulse

- Victoria contributes 26 per cent of the total value of building approvals to the national total each year on average.
- Domestic building work makes up 83 per cent of the number and 54 per cent of the value of building permits issued in Victoria.
- One third of all domestic building permits issued are to owner-builders.
- 75 per cent of the value of permits issued are for building work in metropolitan Melbourne.

The Building Appeals Board (the Board) is empowered to impose conditions on its modification and compliance application determinations, made under section 160 of the Building Act 1993 (the Act).

The Board often makes determinations under section 162(4) of the Act to grant modifications subject to a section 163 agreement being entered into – with respect to a building. Some examples include:

1. a dwelling constructed without the protection of a termite management system in accordance with AS 3660; and
2. a building having openings constructed without the required fire protection facing an allotment boundary considered to be a fire source feature.

Note: each application is considered on its own merits having regard to the particular information within the submission.

Details of the agreement that may be required under section 162(4) of the Act are defined in sections 163, 164 and 165 of the Act, and are commonly referred to as 'section 163 Agreement' (the Agreement).

The Board must consult the reporting authority or council, because of natural justice, when they are a relevant party to the agreement. Therefore, once an application has been heard by the Board, a draft determination is referred to the relevant council for comments about any conditions that would be incorporated into the agreement. The Board would then consider these further, prior to issuing its final determination.

The effect of the Agreement is to create a restrictive covenant over the land. By registering the agreement on title and by virtue of section 165(3) of the Act, the covenant in the Agreement may be enforced as a restrictive covenant binding the owner of the land and any successors in title to the land.

Therefore, for the examples stated above, the owners would not be able to sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the land or any part of it, without first disclosing to their successors in title the existence and nature of the Agreement which would be to the effect that:

1. a dwelling has been permitted to remain without the required termite management system in accordance with AS 3660, and be subject to conditions such as ongoing maintenance; and for
2. a building that has openings constructed without the required fire protection facing or abutting an allotment, the owner and all future owners shall be required to bring the openings that were the subject of the application without the required fire protection (i.e the windows and doors), into compliance with the regulations of the day, should there be any development on the adjoining land within 3.0m of the allotment boundary.

Work-life balance: Update Staying Connected program a valuable life balance

Mensline Australia is a national service that supports men who are dealing with family and relationship difficulties, particularly surrounding family breakdown or separation.

Mensline Australia offers anonymous telephone support, information and referral for men around Australia, 24 hrs a day, seven days a week, for the cost of a local call. Mensline Australia's counsellors are professionally trained to provide counselling responses and approaches that specifically suit the way men think and behave. They also have ready access to relevant information and referral to men's services at any time and from anywhere in the country by calling Mensline on 1300 78 99 78.

Mensline Australia is managed by Crisis Support Services, a not-for-profit, non-government organisation that also operates a number of other specialist services, including the Staying Connected program. This program is provided within workplaces to support men who have experienced separation and are concerned about maintaining a meaningful relationship with their children.

For more information on this program, please contact Dr Vicky Flory, Crisis Support Services Training Manager on 03 8371 2800.

Ready access to relevant information and referral to men's services at any time and from anywhere in the country.



BCA 2007 Information Seminars

Updates to the Building Code of Australia (BCA) for 2007 are being developed, and to ensure building industry practitioners are aware of the changes, the Australian Building Codes Board (ABCB), is hosting a series of Information Seminars in capital cities around Australia.

The half-day seminars will be divided into an overview of the changes to feature in BCA 2007 – hosted by the ABCB, followed by an update on changes to related Australian standards, presented by Standards Australia. The objective of the seminars is to help promote awareness of the changes and present the facts and know-how to successfully apply the BCA.

Practitioners involved in designing, approving or constructing buildings need to know how the new provisions will affect the way they work. The seminars will provide you with an opportunity to learn the issues from technical experts.

Seminars will be held in Melbourne from 9.30am to 12.30pm on 22 and 23 March, 2007 at the Royce Hotel, 379 St Kilda Road. Register online at www.abcb.gov.au

For more information, email bafc8mp@bigpond.net.au or telephone (07) 3423 0694.

5 Star standard drives commercial growth

The hidden benefits of the 5 Star standard are beginning to come to the fore, with the recent unveiling of a \$9 million double glazing plant in Knoxfield.

The Moen Glass plant was established in response to the increased demand of the 5 Star standard for new homes. It is a great example of commercial growth, driven by sustainability in the residential sector. The new facility helps drive new industries in sustainable building products and job creation in Victoria and demonstrates how, as expected, supply has responded to the standard.

Q & As – Swimming pool and spa safety

With summer here, pool and spa safety is more important than ever. Here are a few common questions that will help keep your family safe around swimming pools and spas.

1. Do swimming pools and spas need to be installed by registered building practitioners?

Installing a pool or spa involves a number of specialised trades and techniques. You may engage a registered building practitioner or choose to undertake the work yourself as an owner-builder. If you engage a registered building practitioner to undertake the work they must provide you with a major domestic building contract (over \$5,000), and provide domestic building insurance (over \$12,000). If you undertake the work as an owner-builder, you need to obtain a *Certificate of Consent* by reading and completing the Owner-builder Information and Education Kit.

Due to the specialised nature of pool and spa construction work, it is recommended that owner-builders engage the services of a Registered Building Practitioner for this type of work.

The Building Commission, in consultation with the Swimming Pool and Spa Association (SPASA), will conduct random checks on swimming pools and spas to ensure compliance.

2. Do you need building permits?

Yes. For in-ground swimming pools and spas greater than 300mm in depth, you will require a building permit in order to undertake construction work.

3. What are the requirements for fencing an above-ground swimming pool or spa?

The walls of an above-ground swimming pool or spa provide a barrier if they are at least 1.2m in height and do not have a surface that enables a child to gain a foothold and climb into the swimming pool or spa. Any objects that could be climbable by a young child, such as a pool ladder, pool filter and pump equipment should be properly fenced.

4. Do inflatable swimming pools need fencing?

An inflatable swimming pool, which is capable of containing a depth of water greater than 300 mm, requires a safety barrier. This may be typical swimming pool fencing, boundary fencing with additional consideration and/or treatment to gates, fences etc, the walls of the house with additional consideration and/or treatment to doors and windows etc, or any combination of these.

5. Does the cover over the swimming pool or spa comply with the legislation?

The placing of a cover or lid over the swimming pool or spa does not comply and is not acceptable. A safety barrier is required.

6. How do I know if the barrier around the swimming pool complies with the law?

The Municipal Building Surveyor or any private Building Surveyor can provide further written details of what is required for compliance usually on a fee for service basis.

7. If there is a doorway leading into a pool area, and the opening contains a solid door as well as a fly wire door, which door must comply with the Regulations?

It is only necessary to fit child-resistant door furniture to one of the doors. In choosing which door, you must ensure that access will be restricted to the pool area, and that the door will form part of the continuous pool barrier. In the case where the door chosen is a screen door; it is recommended that the door be of solid construction with securely fitted fly wire. The door must be kept closed and latched or locked at all times, except when a person is in the act of entering or leaving the pool area.

8. Do bi-fold doors comply with the pool safety barrier requirements?

A standard bi-fold door does not comply with the requirements of Australian Standard AS1926.1. Some of the requirements of AS1926.1 include all door sets used as pool barriers to be self-latching and self-closing and the release of the latching device on the internal side of the door must be at least 1.5m above the floor. If the bi-fold door does not comply with all the requirements as set out in the standard, you will need to install a compliant safety fence between the doors and the swimming pool.

For more information on swimming pool and spa safety barriers, see the Building Commission brochure, 'What you need to know about swimming pool and spa safety barriers' or visit www.buildingcommission.com.au





New Minister for Planning

Following the recent State election, the Premier of Victoria, Steve Bracks, has appointed Justin Madden as the new Minister for Planning. Minister Madden entered the Victorian Parliament in 1999, and is currently the Upper House member for Doutta Galla Province in the Melbourne's North West.

As Victoria's previous Minister for Sport and Recreation, Minister Madden was responsible for planning and delivering the Melbourne 2006 Commonwealth Games.

Before entering politics, Mr Madden practised as a qualified architect. He says he is looking forward to bringing this knowledge and experience to the planning portfolio, and to working closely with Victoria's building and construction industry.

inform

Technical enquiries	1300 360 380
Practitioner registration enquiries	1300 360 320
BACV enquiries	1300 557 559
Owner-builder enquiries	1300 360 320

**For further information or comments,
please write, fax or email**

Marketing and Public Relations
Building Commission
PO Box 536 Melbourne Victoria 3001
Level 27, Casselden Place 2 Lonsdale Street,
Melbourne, Victoria 3000
Tel 03 9285 6400
Fax 03 9285 6464
publicrelations@buildingcommission.com.au
www.buildingcommission.com.au

Ballarat Office

2 Skipton Street
Ballarat, Victoria 3350
Australia
Tel 03 5331 1246
Fax 03 5333 4817

Melbourne Office

Level 27, Casselden Place
2 Lonsdale Street
Melbourne, Victoria 3000
PO Box 536
Melbourne, Victoria 3001
Australia
Tel 03 9285 6400
Fax 03 9285 6464

Sale Office

317 York Street
Sale, Victoria 3850
Australia
Tel 03 5143 3024
Fax 03 5143 3027

Wangaratta Office

1 White Street
Wangaratta, Victoria 3677
PO Box 1100
Wangaratta Victoria 3676
Australia
Tel +61 3 5721 4865
Fax + 61 3 5722 9074

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