

**FORM 1**  
Regulation 301

**Building Act 1993**  
Building Interim Regulations 2017



**APPLICATION FOR A BUILDING PERMIT – SWIMMING POOLS / SPAS ONLY**

**To: (Building Surveyor)**

**From:** Owner / Agent of Owner \* (Name) \_\_\_\_\_ \* delete as applicable

Postal Address \_\_\_\_\_ Post Code \_\_\_\_\_

\*Address for serving or giving of documents \_\_\_\_\_ Post Code \_\_\_\_\_

Is applicant a lessee or licensee of Crown land to which this application applies  tick if applicable

Contact Person \_\_\_\_\_ Telephone \_\_\_\_\_

Email: \_\_\_\_\_ (PLEASE USE CAPITAL LETTERS)

**Ownership Details** (only required if agent of owner listed above, otherwise state 'same as above')

Owner \_\_\_\_\_

Postal Address \_\_\_\_\_ Post Code \_\_\_\_\_

Contact Person \_\_\_\_\_ Telephone \_\_\_\_\_

Email: \_\_\_\_\_ (PLEASE USE CAPITAL LETTERS)

**Property Details:**

Number \_\_\_\_\_ Street/Road \_\_\_\_\_ City/Suburb/Town \_\_\_\_\_ Post Code \_\_\_\_\_

Lot/s \_\_\_\_\_ LP/PS \_\_\_\_\_ Volume \_\_\_\_\_ Folio \_\_\_\_\_

Crown Allotment \_\_\_\_\_ Section \_\_\_\_\_ Parish \_\_\_\_\_ County \_\_\_\_\_

Municipal District \_\_\_\_\_ Allotment Area (for new dwellings only) m<sup>2</sup> \_\_\_\_\_

Land owned by the Crown or a public authority  tick if applicable

**Builder (if known)** Name \_\_\_\_\_ Telephone \_\_\_\_\_

Postal Address \_\_\_\_\_ Postcode \_\_\_\_\_

Email: \_\_\_\_\_ (PLEASE USE CAPITAL LETTERS)

**Building Practitioners<sup>1</sup> and/or Architects:**

(a) to be engaged in the building work<sup>2</sup> (b) who were engaged to prepare documents forming part of the application for permit<sup>3</sup>

Name \_\_\_\_\_ Reg No \_\_\_\_\_ Name \_\_\_\_\_ Reg No. \_\_\_\_\_

Name \_\_\_\_\_ Reg No \_\_\_\_\_ Name \_\_\_\_\_ Reg No. \_\_\_\_\_

(If a registered domestic builder carrying out domestic building work attach details of the required insurance)

**Nature of Building Work** (Tick if applicable or give other description)

Installation of in-ground swimming pool / spa (**fiberglass**) & associated swimming pool / spa safety barrier

Construction of in-ground swimming pool / spa (**reinforced concrete**) & associated swimming pool / spa safety barrier

Installation of above-ground swimming pool / spa & associated swimming pool / spa safety barrier

Other (specify) \_\_\_\_\_ **Proposed Use of Building** \_\_\_\_\_

**Owner Builder (if applicable)\*** obtain Certificate of Consent from the Victorian Building Authority (VBA) if cost of works is over \$16,000

I intend to carry out **all of the work** as an owner builder Yes\*  / No  VBA Tel. No: 1300 815 127

I intend to construct the swimming pool/spa safety barrier as an owner builder Yes^  / No  ^Est. barrier cost \$ \_\_\_\_\_

\*^ If yes, state the estimated cost of building works (incl. commercial cost of labour & materials) and attach details of cost estimation method)

**Cost of Building Work:**

Is there a contract for the building work Yes  / No  If yes, state the contract price \$ \_\_\_\_\_

Does the contract price include the cost of supply and installation of the swimming pool/spa safety barrier? Yes  / No

If no, state estimated cost of building works (incl. cost of labour & materials) & attach details of estimation method \$ \_\_\_\_\_

**Signature** of owner or agent \_\_\_\_\_ Date \_\_\_\_\_

(By signing this application form, I also acknowledge the fact that another Building Surveyor has not been appointed to carry out the same functions)

**Note 1** Building practitioner means: (a) a building surveyor; or (b) a building inspector; or (c) a quantity surveyor; or (d) an engineer engaged in the building industry; or (e) a draftsman who carries on a business of preparing plans for building work or preparing documentation relating to permits and permit applications; or a builder, or (a) a person who erects or supervises the erection of prescribed temporary structures; or (b) a person responsible for a building project or any stage of a building project and who belongs to a class of people prescribed to be building practitioners. But does not include (i) an architect except in Part 9 and sections 24(3) and 176(6) of the Act; or (ii) a person (other than a domestic builder) who does not carry on the business of building.

**Note 2** Include building practitioners with continuing involvement in the building work.

**Note 3** Include only building practitioners with no further involvement in the building work.

**Note 4** The use of the building may also be subject to additional requirements under other legislation such as the **Liquor Control Reform Act 1998** and the **Dangerous Goods Act 1985**.

**Note 5** If an owner builder, restrictions on the sale of the property apply under Section 137B of the **Building Act 1993**. Section 137B also prohibits an owner builder of domestic building work from selling the building within 6 ½ years from the date of completion of the relevant works unless they have satisfied certain requirements including obtaining compulsory insurance. The Victorian Building Authority maintains a current list of domestic insurance providers.

#### **ADDITIONAL NON-MANDATORY BUILDING INSPECTIONS & CERTIFICATION**

The mandatory inspection stages required by state legislation are **pre-slab and/or footings, frame and final** only. Other important elements that do not or no longer require a compulsory inspection include: *Termite Management Systems, Basement Waterproofing, Bushfire Management Systems, Storm water & AG Drains, Lock-up & Wall Insulation, Pre-tile Substrata to Wet Areas, Roof Insulation, 5 Star Energy efficiency, Sound Attenuation and Garage Infill Slab preparations*. Independent written certification of these stages of construction may be necessary to confirm compliance by other professionals, practitioners or authorities prior to applying for the Certificate of Final Inspection and/or Occupancy Permit.

**ADDITIONAL MANDATORY BUILDING INSPECTIONS** to those nominated on the building permit that are necessary to be carried out to ensure compliance with the building permit is achieved will be charged at the applicable inspection fee, which is subject to change from time to time without notice.

**BUILDING NOTICES AND BUILDING ORDERS:** Any administrative and/or legal costs incurred by Council to carry out enforcement functions pursuant to *PART 8 of the Building Act 1993* in relation to non-compliant building work carried out under a building permit may be invoiced in accordance with the applicable consultancy hourly rate which may change from time to time without notice.

**INFORMATION PRIVACY ACT 2000:** The information supplied on this form is shared with the *Victorian Building Authority* and/or any other *Authority*. It is not sold or given to any commercial third party. *Section 31 of the Building Act 1993* requires Council to keep a register of all building permits (both public and private) and to make this register available for inspection by any person during normal office hours. Therefore, any person is permitted to obtain and use the information supplied on this form for any lawful purpose.

#### **OWNER'S AUTHORITY TO ACT AND APPOINT**

**ADDRESS OF BUILDING/LAND:**.....

I,..... being the owner/s of the building/land at the property as nominated above;

- appoint the City of Whitehorse to act as the Relevant Building Surveyor to carry out the functions of Section 76 and Part 6 of the Building Act 1993, for the proposed building work as set out on the Building Permit Application Form – Form 1. I confirm that I have not appointed another Building Surveyor for these works and I make this appointment in my capacity as the owner of this property; and
- authorise ..... to act as my agent for the purpose of making any application (including Building Permit and Occupancy Permit applications), appeal or referral under the Building Act 1993 in respect of the proposed building work.

**Signature of Owner:**..... **Date:**.....

#### **Extract of Section 78 of the Building Act 1993**

(1) Subject to this Part, a person who is entitled to apply for a building permit, occupancy permit or temporary approval under this Act in respect of a building or building work, may appoint a private building surveyor to carry out the functions set out in section 76 in respect of that building or building work.  
(2) Except as provided in this Part, a person must not appoint a private building surveyor to complete any functions set out in section 76 in respect of a building or building work if another private building surveyor or a municipal building surveyor has already commenced to carry out functions set out in that section in respect of that building or building work.

**Penalty: 240 penalty units, in the case of a natural person &/or 1500 penalty units, in the case of a body corporate.**

**NOTE:** It is an offence under law for a person to make a false or misleading statement or provide any false or misleading information, including forging signatures.

**Disclaimer:** It is the owner's responsibility to ensure that all information provided, including documentation relating to this permit application is true and correct. Council and its employees will not be responsible for checking the accuracy of information provided, nor for any errors or omissions. Information accepted as part of this application is done in "good faith". It is an offence under section 246 of the *Building Act 1993* for a person to knowingly make any false or misleading statement or provide any false or misleading information to a person or body carrying out a function under this Act or the Regulations.

**Refund Policy:** Council is not obliged to refund any building permit fees. However, if the application is withdrawn due to unavoidable circumstances, fees may be partially refunded depending on the work that has been carried out at the discretion of the MBS/DMBS.

**Lapsed Permits:** *Should building works are Terminated due to the lapse of the Building permit (before either commencement or completion of Building Works) or for any other reason, then the Owner OR Client shall, within (14) days of such termination, both notify the Victorian Building Authority in writing of such termination and provide the City of Whitehorse Building Services Group with a copy of that notification. Upon the lapse of its building permit and if required buy Building Services, the client or owner shall complete a fresh building permit application for a Building Permit upon the same terms and conditions as the lapsed permit and the owner or applicant shall pay all associated costs and fees associated with the issuing of fresh building permit.*