

inform

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BCA 2008

→ Alterations and relocations of existing homes to be 5 Star from 1 May 2008

Commissioner's comments



As we fast approach 1 May, which is the day that renovations and relocated homes will have to start adhering to the 5 Star standard, this issue of Inform has several stories and an insert that will provide a thorough understanding of the new laws.

The extension of the 5 Star standard to relocations and renovations will further help Victoria's building industry to become even more sustainable and will continue to deliver savings for consumers.

The changes to the requirements for alterations and relocations are simply being brought into line with other states.

Its positive news then that as the regulatory change to the relocations and renovations standards approach, registered building practitioners in Victoria's North Western region are adhering to the 5 Star standard, with 81 per cent of new dwellings, inspected in recent audits, listed to comply with 5 Star.

This high level of 5 Star compliance will help make Victoria's built environment more sustainable and reduce its carbon foot print. This good news comes at a time when Victoria's building industry is setting records and breaking them after a month.

Victoria's building industry broke the calendar year record again last year, smashing through the \$18 billion barrier for building permits issued for the first time, to reach \$18.3 billion in the 2007 calendar year.

With \$18.3 billion representing a 9.8 per cent increase on the 2006 calendar year, I look forward to seeing what 2008 has in store for us.

While Inner Melbourne grew 8.6 per cent and outer Melbourne by 16.1 per cent, which combined to increase Metropolitan

Melbourne by 12.2 per cent to \$14.2 billion, building activity grew across the state, with rural Victoria building activity growing by 2.4 per cent breaking through the \$4 billion mark to reach its highest level ever.

Robust levels of building activity produce the need to not become complacent but to instead reinvest in the future of our industry, which is exactly what a two-year pilot program that is being funded jointly by the Building Commission and Regional Development Victoria plans to do.

The pilot program has made up to ten internships available to assist Victoria's regional councils to address building surveying skills shortages. The interns will receive up to \$10,000 annually for two years.

And to conclude in the sustainable theme that I began, it's notable that the building industry, consumers and DIY renovators will soon benefit from a new publication, 'Your Home Renovator's Guide' which is being developed for the Building Commission and other leading government bodies and is due for release in April. It looks like 2008 will be a green year for Victoria's building industry.

A handwritten signature in black ink, appearing to be 'T Arnel', written over a horizontal line.

Tony Arnel LFRAlA
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: From 1 May 2008 Victoria's building industry will become more sustainable as the 5 Star standard will also apply to renovations and relocations.

Overleaf: Relocated homes can achieve a higher energy rating by insulating walls.



“Victorian building consumers are now expecting that their home extensions and renovations are energy efficient too.”

BCA 2008

Alterations and relocations of existing homes

The last issue of 'Inform' announced the changes for home renovations and relocated homes to take place on 1 May 2008 when energy efficiency requirements in the main body of the Building Code of Australia (BCA) will be in effect in the BCA 2008.

With the requirements fast approaching, it is the time to ensure that building practitioners and the industry are prepared, so that anyone planning an extension or renovation, or looking to relocate a house after 1 May 2008, will be clear about the requirements.

Building Commissioner, Tony Arnel, said the requirements for home renovations and relocated homes were not complex. It's fundamentally about maximising a home's building fabric, which rests with good design.

"Firstly, the requirements apply to the thermal performance of a home and don't require a solar hot water system or a rainwater tank for toilet flushing," he said.

"Secondly, any home alteration or extension that requires a building permit must comply with the BCA. In certain circumstances Regulation 608 of the Building Regulations provides discretion to the relevant building surveyor to allow for partial compliance.

"And thirdly, compliance is simply about good design, such as increasing levels of insulation, draught-proofing or high performance glazing," Mr Arnel said.

"Importantly the new regulations will reduce greenhouse gas emissions while delivering home occupants greater comfort and lower energy costs."

According to Mr Arnel, the Victorian building industry is positively gearing up for the changes with most practitioners aware of the new requirements.

"The changes to take place on 1 May 2008, were made in consultation with the building industry who recognised the need for the introduction to renovations," he said.

"The consultation process demonstrated that the majority of the Victorian building industry is broadly supportive of 5 Star extending into home renovations and relocations."

Mr Arnel said that builders were aware that their clients are recognising the

benefits of the 5 Star standard, evidenced by three years of the energy requirement being compulsory in new homes.

"Victorian building consumers are now expecting that their home extensions and renovations are energy efficient too," he said.

Mr Arnel said that the Building Commission will continue to work closely with designers, building surveyors and the industry to prepare for when the regulations come into effect.

"State-wide industry workshops will be conducted by the Building Commission throughout March and April," Mr Arnel said.

"If you are in doubt about the requirements, it is important to contact your municipal or private building surveyor. Guidance and technical advice on how the new measures should be applied are also available through the revised Practice Note 55."

For further information, or to register for a workshop, visit www.buildingcommission.com.au and click on "5 Star" or contact the hotline on 1300 360 380 or review the enclosed Technical Advice Sheet.

There are a range of organisations that are key sources of information on the 5 Star Standard in Victoria. These include: the **Building Commission**, **Sustainability Victoria**, the **Housing Industry Association**, and the **Master Builders Association**.

* A renovation is an alteration

Fast Facts

The new standards are expected to lift energy efficiency levels (for heating and cooling) of the upgraded building by 40-50 per cent compared with the old insulation regulations that have been largely unchanged since the early 1990s.

Builders and designers have dealt with energy efficiency requirements for insulation in house alterations under Regulation 608 since the early 1990s.

What is new is that the new regulation helps to raise the bar to deliver better energy/greenhouse outcomes that will also save Victorians money in the long run and provide for a more sustainable built environment for future generations.

BCA 2008 – alterations and relocations of existing homes [continued]

How the new laws apply

All building alteration projects including home extensions that need a building permit will be required to comply with the new energy efficiency regulations.

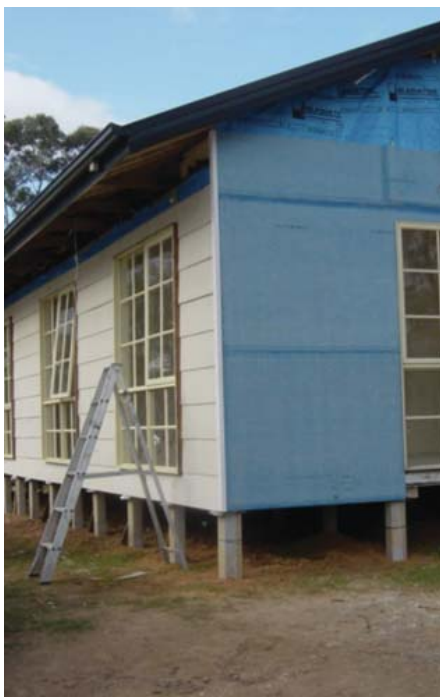
Alterations representing more than 50 per cent of the original volume of the building (including any alterations carried out in the previous 3 years) require the existing building to be brought up to the same standards as the new construction.

There are certain circumstances where the relevant building surveyor has discretion to allow partial compliance where the requirement is overly onerous, technically impractical or does not provide a level of benefit commensurate with cost. However, any extension of over 25 per cent of floor area of the existing building or 1,000 square metres (whichever is the lesser) must fully comply with the new standard.

5 Star regulations across Australia

State	5 Star building fabric	5 Star building fabric plus renovations and alterations
Victoria	Yes from 2005	No but in force from 1 May 2008
ACT	Yes from 2006	Yes from 2006
Western Australia	Yes from 2006	Yes from 2006
South Australia	Yes from 2006	Yes from 2006
Queensland	No they introduced some changes in 2006. A proposal has been put forward and if it is approved it will be put in place by mid year 2008	No but it all depends on the approval of the proposal mid 2008
New South Wales	NSW uses BASIX	NSW uses BASIX
Northern Territory	No	No
Tasmania	No (they are planning to have one in place by 2009)	No (they are planning to have one in place by 2009)

“Importantly the new regulations will reduce greenhouse gas emissions while delivering home occupants greater comfort and lower energy costs,” Tony Arnel, Building Commissioner.



Consumers want home renovations to Star

The most recent Building Commission *pulse* survey shows 86 per cent of consumers value sustainable building.

Mr Arnel said that it was not surprising that consumers and, in turn, the building industry recognises that there is value in building to an energy efficiency standard, such as 5 Star, and that complying is relatively straightforward with good design.

“The 5 Star Standard is a flexible, performance-based standard, allowing homeowners, builders and designers a great deal of choice to comply,” he said.

There is a range of options available to achieve a 5 Star energy rating for home renovations and relocations. These include simple things, such as increasing the level of insulation, draught-proofing, orientation of the building, internal design and use of high performance glazing.

Scenario 1

So you're undertaking building work for an alteration to an existing home and it's 50 per cent to 100 per cent of the volume of floor space of existing home which means the whole house needs to be brought up to 5 Star. Does this mean that you need to go back and insulate old walls?

Answer

As a starting point people undertaking an alteration that is more than 50 per cent of the volume of the existing building, will need to make their home comply with the new requirements, unless their building surveyor agrees to a lesser standard. This means achieving a 5 Star building fabric using software or complying with the provisions set out in the Building Code of Australia.

However, the regulations provide the building surveyor issuing the building permit discretion to allow partial compliance in certain circumstances. If the interior of the house is being gutted, then there is an opportunity to install insulation and this would be expected. However, if it is considered financially onerous (compared to the resulting benefit) or technically not possible, the building surveyor can approve an alteration that hasn't had insulation installed in the old walls.

The 5 Star standard is a flexible standard, allowing homeowners, builders and designers a great deal of choice to comply. There is a range of options available to achieve a 5 Star energy rating. These include simple things, such as increasing the level of insulation, draught-proofing, orientation of the building, internal design and better window design.

Scenario 2

Your client is wishing to have building work for a small renovation and you are unsure as to whether your work is exempt from the new laws and are wondering where to go.

Answer

Contact your council to find out if you need a building permit.

Some simple renovation or maintenance projects and non-structural works that do not require a building permit will not be affected by the new regulations. All building alteration projects including home extensions that need a building permit will be required to comply with the new energy efficiency regulations.

The Relevant Building Surveyor will then issue a building permit based on what is required for the renovation or relocated home to comply with the new laws. Through the construction process the building surveyor may conduct inspections to make sure those requirements are being met.

Scenario 3

Your client completed a renovation that is more than 50% of the volume of the existing home two and half years ago. You are undertaking another renovation after 1 May 2008. Do they have to have their whole home meet 5 Star?

Answer

Yes. The only time the existing building needs to be considered for upgrading to comply with current regulations is where there is an alteration or extension taking place to that building. If the building was renovated 2.5 years ago and that renovation in combination with a renovation after 1 May 2008 totalled a volume greater than 50 per cent of the existing building then the whole of the building would need to comply. Even in that circumstance, there are certain circumstances where the relevant building surveyor has discretion to allow partial compliance where the requirement is overly onerous, technically impractical or does not provide a level of benefit commensurate with cost.

Making relocated homes more sustainable



Carmine Bernardo of Better House Removers says his company is already making the homes they relocate more sustainable. One way is insulating brick veneer homes, like the one pictured.

While the industry prepares for the 5 Star standard to apply to relocating or renovating homes from 1 May 2008, one Victorian relocations company has already been 'greening' the brick veneer homes it relocates. Limitations exist for weatherboards homes but increasing the overall level of energy efficiency is achievable without significant increase in costs.

Carmine Bernardo's family owned and operated relocations company, *Better House Removers*, has been relocating homes for almost 25 years and has been insulating and weather proofing homes before the introduction of the 5 Star regulations.

BCA 2008 – alterations and relocations of existing homes [continued]

Making relocated homes more sustainable [continued]

1. What is your company doing to enhance the thermal performance of its homes?

We have been insulating perimeter walls of brick veneers with green smart allergy free polyester insulation batts and foil. We also add R2.4 insulation into the ceiling, which is more than is currently required. Some brick veneer homes are re-bricked with new bricks, whilst most are re-clad with cement sheet cladding or weatherboards. Additionally, in fire areas, perimeter base is fully enclosed.

2. What other sustainability features are included?

Most houses are re-erected in the country. Therefore, water tanks are typically installed even though it is not required under current regulations. If sewerage is not available Tylex clear water 90 or similar septic tanks that recycle water to the garden are installed.

When considering that buildings consume or are responsible for 25 per cent of timber harvests and 40 per cent solid waste land fill, re-erecting a house goes to the fore front of recycling and reducing greenhouse gas emissions.

3. Can you describe what your homes include with respect to:

- **Draft proofing:** Window and door seals and elimination of internal wall vents.
- **Window design, size, frames, glazing:** If we carry out additions to the relocated buildings or replace existing windows we always use better performing thermal efficient windows. However, any additions or replacements comply.
- **Shading, such as verandahs, eaves:** Most of our re-erected houses have wide eaves ranging from 450mm to 900mm. Some will have verandahs, outside blinds and water friendly landscaping.

Register on the Commission website to attend workshops on energy efficiency for domestic and consumer buildings

Melbourne	Wednesday 26 March	College of Surgeons Spring St, Melbourne
Frankston	Thursday 27 March	Frankston Arts Centre Cnr Young & Davey Sts, Frankston
Melton	Friday 28 March	Melton Country Club Reserve Road, Melton
Ballarat	Monday 31 March	Ballarat Town Hall Cnr Sturt & Armstrong St, Ballarat
Bendigo	Tuesday 1 April	Quality Resort All Seasons 171–183 Mclvor Rd, Bendigo
Box Hill	Friday 4 April	Community Arts Centre 470 Station St, Box Hill
Wangaratta	Monday 7 April	Quality Hotel Gateway Wangaratta 29–37 Ryley St, Wangaratta
Shepparton	Tuesday 8 April	Shepparton Eastbank Hall 70 Welsford rd, Shepparton
Mildura	Friday 11 April	Alfred Deakin Centre (Benetook room) 180–190 Deakin Avenue, Mildura
Warrnambool	Tuesday 15 April	Warrnambool Civic Hall 185 Timor St, Warrnambool
Horsham	Wednesday 16 April	Conference Centre at Grains Innovation Park 110 Natimuk Rd, Horsham.
Geelong	Thursday 17 April	Sailors Rest 3 Moorabool street Waterfront, Geelong
South Morang	Monday 21 April	Plenty Ranges Arts & Convention Centre 35 Ferres Boulevard, South Morang
Warragul	Wednesday 23 April	Warragul Civic Centre Cnr Albert and Smith Streets, Warragul
Sale	Thursday 24 April	Princeton Motel 25–41 Princes Highway, Sale
Dandenong	Monday 28 April	Dandenong Town Hall (Committee room) 226 Lonsdale St, Dandenong
Dandenong	Tuesday 29 April	Dandenong Town Hall (Committee room) 226 Lonsdale St, Dandenong
Melbourne	Wednesday 30 April	College of Surgeons Spring St, Melbourne
Melbourne	Thursday 1 May	College of Surgeons Spring St, Melbourne

What is the Build – Better Register Campaign?

Registered Building Practitioners (RBPs) will benefit from the Building Commission's 'Build Better Register Campaign', which is designed to facilitate and encourage registration of RBPs.

The campaign aims to encourage consumers to use RBPs and to encourage unregistered people in the industry to become registered.

Increasing the number of Victorian RBPs ensures your business. There are more opportunities for you to compete directly with other RBPs at quotation time.

The campaign commences with advertising that encourages consumers to ensure an RBP is part of their plans in the building project. It also targets unregistered people conducting building work, urging them to seek registration before it is too late.

All RBPs will have the opportunity to actively participate in the campaign – firstly, by promoting registration to unregistered members of the industry and, secondly, by reporting unregistered people and illegal building activity.

There are many ways to highlight and promote your practitioner status to your customers, which are:

- Offer potential customers an explanation of registration requirements in Victoria
- Show RBP Photo ID card
- Display the RBP logo on company uniform or company vehicles



REGISTERED
Building Practitioner

- Include the RBP logo on website
- Educate and train staff to tell clients about RBP registration
- Display RBP site sign

- Encourage potential clients to check registration (and anyone else's they seek a quote from) on the 'Finding an RBP' search facility on the Building Commission website.

Part of the campaign involves inviting Registered Building Practitioners to report any illegal building activity or unregistered persons. You will be encouraged to make an anonymous or identified report of any unregistered persons through a hotline online via the Building Commission website, or by fax 03 9285 6490.

Reporting illegal building work or unregistered persons can be done at any time by contacting the Building Commission, 03 9285 6400.



How you can be involved

You will receive a campaign information kit. The kit includes information about registration and a registration sticker. If you know of someone who would like to become registered you can encourage them to follow your lead and get registered by:

1. Placing a registration sticker on your car window.
2. Offering them an application form inside the kit so that they can request a Registration application kit.
3. Ordering a Registration application kit on behalf of someone who is considering becoming registered.
4. Directing someone who would like to become registered to the 'Become a RBP' link on the Building Commission website, where application forms and information sheets can be downloaded.

How unregistered people will be involved

Many unregistered people working in the industry will receive a letter and information kit from the Building Practitioners Board reminding them of their responsibilities and inviting them to seek registration before a reporting period.

Victoria's North Western region is 5 Star compliant



Victoria's Building Commission has recently undertaken performance audits in the North Western region of the state, with 81 per cent of new dwellings inspected listed to install either a solar hot water system or water tank.

Building Commissioner Tony Arnel said it was terrific to see a high level of 5 Star compliance, which will help make Victoria's built environment more sustainable and reduce its carbon foot print.

"This is an impressive result, following a week-long audit program that covered 171 building site inspections, with a particular focus on 5 Star compliance," Mr Arnel said.

"This audit program allowed the Commission to gauge practitioners' compliance levels with the *Building*

Regulations 2006. Commission compliance officers also had the opportunity to meet with councils, Registered Building Practitioners and consumers in the North Western regions."

Covering a large area of Victoria's North Western region, including Shepparton, Echuca, Swan Hill and Mildura, the audit placed particular emphasis on compliance with 5 Star compliance, owner-builder work and site signage requirements of the *Building Regulations 2006*.

Victorian's in the North Western region are complying with 5 Star with 81 per cent of new dwellings inspected installing either a solar hot water system or water tank.

"We view 5 Star compliance as particularly important, especially considering the implications it has on the environment and sustainability within the built environment," he said.

"The audits covered a substantial area of the State's North Western regions, and targeted Registered Building Practitioners. The Commission designs its audits to ensure Victoria's building quality is of the highest standard and all sections of the industry are complying with the Act.

"The audits reviewed all stages of the work including drafting, energy assessment, building permit issue, construction and issue."

Thirty sets of drawings for the construction of new dwellings were examined and only 12 identified the position of solar collectors or water tank locations.

Mr Arnel said this problem will be the subject of an intensive audit in 2008 and that penalties for non-compliance apply.

"There are a range of options open to Commission officers when dealing with practitioners who fail to comply with Victoria's strict building standards. Those failing to deliver will face penalties," Mr Arnel said.

"The vast majority of practitioners do the right thing, and have nothing to worry about."

"Consumers can also be confident that the Commission is looking after their interests."

Mr Arnel added that the Commission plans to implement a dual audit program to deliver an appropriate and measurable number of practitioner and/or site audits to establish compliance levels.

On the pulse

2006 Building Commission consumer survey research showed that:

- 86 per cent of building consumers regard environmentally sustainable building (ESB) as highly important.
- 45 per cent of building consumers researched information on environmental issues such as energy conservation or recyclable materials, independently of their builder and before commencement of their building project.
- 43 per cent of consumers engaged in conversation with their builder on ESB.

Green Building Council involved in Asia Pacific partnership

At the recent opening of Australia's largest green building conference – Green Cities – the Green Building Council of Australia (GBCA) announced that its engagement with Asia would be boosted by a grant under its involvement in the Asia Pacific Partnership (APP) to support collaborations on high performance buildings and developments.

APP aims to accelerate the reduction of greenhouse gas emissions across the Asia Pacific and comprises Governments from Australia, India, China, the United States, Japan, Korea and Canada.

The GBCA will join forces with the Property Council of Australia (PCA), who together, represent the largest property industry organisations in Australia, to manage the project.

Chair of the GBCA Tony Arnel said the mega-cities of Asia Pacific are emerging as global economic, environmental and social flashpoints. The population of the top six of these cities will exceed the entire population of the US by 2020.

"One third of these people have no access to drinking water and two-thirds have no sanitation. They need urgent



economic development but they must not take the path of the unsustainable lifestyle of the rich nations," he explained.

"Sustainable building designs, technologies and practices can provide a viable alternative – in fact emission reductions will deliver economic gains in the long term by reducing energy costs.

"With support from APP, GBCA and PCA will develop a positive role for Australia on this critical regional issue."

The project was awarded to the GBCA by the Commonwealth Department of Innovation, Industry, Science and Research (DIISR) to deliver several workshops, trade shows and continuing professional development programs including programs in the World Sustainable Building Conference, SB08 in Melbourne later this year.

"This agreement also offers the GBCA the opportunity to assist the emerging Green Building Councils in India and China, as well as create templates that can be actioned elsewhere in the world" said Mr Arnel.

Building Cases – A New Approach

The Supreme Court is introducing, on a trial basis, a New Approach to construction litigation.

The New Approach is driven by an ever-increasing demand from litigants, governments and lawyers to contain litigation costs. Nowhere is this more evident than in construction cases.

The philosophy behind the New Approach is to proceed cautiously, using the existing powers of the Court and the considerable expertise of the Commercial and Equity Division judges, to focus upon the core issues. The theme of the Court's

approach is that the litigation of building disputes should be approached by the parties, the lawyers and the Court in a way that resembles the building project itself – with attention to time and cost and to the budgeting of both.

A principal feature of the New Approach is an early meeting of lawyers and litigants conducted by a master of the Court on an informal and, where necessary, confidential basis.

The New Approach involves a greater readiness of the Court to give effect to its powers in managing and trying litigation. The judges will be ready to fix times for procedural steps and to determine preliminary issues for trial. At trial, judges will exercise the powers of the Court to direct the way the trial is presented and, where appropriate, impose time limits for the performance of various aspects of the trial.

A copy of the Practice Note explaining this is on the Court web-site at www.supremecourt.vic.gov.au

BPB inquiries

Practitioner	Summary of allegations	Penalty
<p>Ronald FOWLER (Loch Sport) DB-U 2087</p>	<ul style="list-style-type: none"> • The owner and the practitioner entered into a contract to build a new home in Loch Sport to the value of \$237,209. In March 2003, the practitioner applied for the building permit on the owner's behalf, however there was no written authority from the owner in contravention of s248(1) <i>Building Act 1993</i> due to a contractual wording error. The owner had noticed excavation work had commenced prior to the building permit being issued in June 2003 in non compliance with s16(1) <i>Building Act 1993</i>. • The owner had requested numerous variations to the building work and the owner had also carried out some work himself (or arranged for others to do so) and supplied materials without consulting the practitioner. An amended building permit was subsequently issued in July 2003 incorporating variations requested by the owner, however some building work did not accord with the permit in breach of s16(1) <i>Building Act 1993</i>. The owner also alleged the practitioner breached Reg. 2.6(4) <i>Building Regulations 1994</i> in that he failed to have a copy of the approved drawings on site during the work. • The practitioner claimed final payment on 18 March 2004 despite the final inspection not being carried out until 29 March 2004. The owner then terminated the contract with the practitioner in April 2004. • The Board considered the practitioner's circumstances including the poor plans and specifications, the owner's contribution to the building work, financial stress, references, and profound remorse and contrition. 	<p>Reprimand</p>
<p>Frank DELICATO (Morwell) DB-U 10019</p>	<ul style="list-style-type: none"> • In June 2005, the owners engaged the practitioner to construct a new single storey home with an attached garage in Traralgon. • The owners contacted Building Conciliation and Advice Victoria (BCAV) concerning alleged defective works in late 2006 in which 20 items were found to be defective requiring rectification. A reinspection was carried out by the inspector in July 2007 confirming seven items had been rectified by the owner and four considered to be serious outstanding defects regarding the quality of the floor tiling in the ensuite shower, rumpus and hallway. • The Board found the practitioner guilty of poor workmanship and for failing to carry out recommendations of a BCAV inspection report in accordance with s179 (1) (b) and s179 (1) (fb) respectively. When considering penalty, the Board took into account the practitioner's guilty plea and contrition. 	<p>Fine \$400 Costs \$150 Reprimand</p>
<p>Hans STRATING (Narre Warren) BS 1097</p>	<ul style="list-style-type: none"> • The practitioner was the relevant building surveyor for the construction of a new double storey dwelling and attached garage at East Bentleigh and issued the building permit in April 2005. • A complaint was generated from an adjoining owner to the council and Building Commission. • The Board found the practitioner guilty for failing to comply with s24(1)(a) and s24(1) (b) <i>Building Act 1993</i> for not being satisfied of aspects of the proposed building works and not obtaining council consent and reports for aspects of the proposed building works respectfully prior to issuing the building permit for the site particularly in relation to boundary and street set backs as per Reg. 4.9 and 4.17 <i>Building Regulations 1994</i>. 	<p>Fine \$3500 Costs \$500 Reprimand</p>

Practitioner	Summary of allegations	Penalty
<p>David MAIR (Maffra) BS 1278</p>	<ul style="list-style-type: none"> • The practitioner was appointed the relevant building surveyor for the construction of a new home in Loch Sport and issued the building permit in June 2003. The permit and subsequent amended permits had the incorrect address, description details and stamped and endorsed one of the three pages of the plan. The practitioner also failed to comply with s24(1) <i>Building Act 1993</i> in that when the permit was issued, he could not be satisfied the work would comply with the side set back requirements of Reg 4.14 <i>Building Regulations 1994</i>. The approved plans contained inconsistent building height (8m) compared to the notations on the section plan of 7.5 m. Also the amended plans did not depict the location of a proposed retaining wall as per approved computations. • The practitioner inspected the frame in October 2003 and failed to detect or take any action in relation to the work not being in accordance with the permit or not in accordance with the Building Code of Australia including the workshop floor level; number of steps leading to the entry of the south end of the house; length of the first floor; inadequate tie downs of the trusses at the junction of the balcony roof; inadequate overhangs to the roof over the upper balcony for both wind loads and point live loads; inadequate tie down of the battens to the verge truss; roof battens were not tied down in accordance with the requirements of Australian Standard AS1684; wall bracing was not adequately fixed to the bottom plates of the wall frames; inadequate diagonal roof bracing; inadequate studs associated with the lintel supporting the balcony floor bearers; and inadequate tie down of the columns supporting the balcony rafters in that there is no structural continuity of fixing. • The Board noted the practitioner’s submission which indicated that some of the blame lay with his administrative assistant, who was then still learning how to execute the building permit process. The administrative assistant cannot be expected to be intimately familiar with the building permit process. The Board is of the view that this responsibility firmly belongs to the relevant building surveyor, which cannot be delegated to an administrative assistant. • The Board noted the relevant building surveyor’s view that it is incumbent upon the owner to notice their concern in a timely fashion. The Board disagreed stating it is the building surveyor’s obligation to address matters of compliance regardless of whether the consumer raises such concerns. 	<p>Fine \$1200 Costs \$350</p>
<p>Neil Laurence WATERS (Frankston) DB-U 4105</p>	<ul style="list-style-type: none"> • The practitioner is employed by the building company Idea Builders and it entered into a contract with the owners in 1999 to build a new house and garage in Werribee. As the operations manager, he supervised the works. • The company addressed various defects upon complaint from the owner, however failed to rectify the major defect being leaking at the front windows and the sliding door at the side of the house. The owner then contacted the insurance company who issued directions and work schedule to the practitioner to address the outstanding defects. • The Board found the practitioner guilty of not carrying out work in accordance with the Building Code of Australia in relation to the flashings not installed correctly and the open perpendicular joints (weepholes) not clear of mortar. The practitioner was also found guilty for not complying with the reasonable directions of the insurance company as per s179 (1)(fa) <i>Building Act 1993</i>. The practitioner pleaded guilty. 	<p>Fine \$2500 Costs \$500 Reprimand</p>

BPB inquiries

[continued]

Practitioner	Summary of allegations	Penalty
<p>Anthony MOORE (Kalimna) DB-U 8499</p>	<ul style="list-style-type: none"> In August 2002 the owners engaged the practitioner to construct a new single storey home with a separate garage in Metung for \$183,210. The owners contacted Building Conciliation and Advice Victoria (BCAV) due to concerns over alleged defective building works in which 14 items were found to be attributable to the practitioner. A reinspection in June 2007 confirmed the 14 items were still outstanding including two items categorised as serious being the eaves in the carport/BBQ area and the brick wall cracking in the garage. The Board found the practitioner guilty of poor workmanship and for failing to carry out recommendations of a BCAV inspection report in accordance with s179 (1) (b) and s179 (1) (fb) respectively. When considering penalty, the Board took into account the practitioner's guilty plea. 	<p>Fine \$1000 Costs \$250 Reprimand</p>
<p>Jeffrey UREN (Niddrie) BS 1069</p>	<ul style="list-style-type: none"> The practitioner was the relevant building surveyor in respect of the construction of three adjoining townhouses in Toorak in August 1999. One of the basements at the site was prone to flooding. An engineer engaged by the owner and the City of Stonnington's Development Engineer both concluded that the flooding was caused by the design of the drainage system and the fact that the footpath has been lowered by at least 110mm to facilitate access to the basement garage, reducing the capacity of the kerb channel and allowing water to flow from the street into the basement. The Board found the practitioner guilty of failing to approve the stormwater drainage system as required by Reg.5.9(1) <i>Building Regulations 1994</i>, not obtaining the relevant council report prior to issuing the building permit, and failing to provide the council with the permit and associated documents within seven days after issuing the permit as per s30(1) <i>Building Act 1993</i>. The Board considered the practitioners measures put in place to prevent this occurring again and his guilty plea. 	<p>Fine \$4000 Costs \$500 Reprimand</p>
<p>Rodrigo LAVADOS (South Yarra) BS 1567</p>	<ul style="list-style-type: none"> In November 2004, the owner appointed the practitioner as the relevant building surveyor for the relocation and re-erection of two weatherboard dwellings on land at Yarra Junction. The building permit application for the building work contained two separate planning permits for each of the dwellings to be relocated. The building permit did not include the details of one of the planning permits. The building permit indicated that the building work must commence by 1 December 2005 and to be completed by 1 December 2006. Reg.2.8 <i>Building Regulations 1994</i> provides that in the case of a building permit issued for the re-erection of a Class 1 building, the building work must commence within six months of the date of issue of the building permit and must be completed within 12 months of the date of issue of the building permit. The time limits listed on the building permit did not comply with regulation 2.8. The Board found the practitioner guilty and considered his early guilty plea. 	<p>Costs \$500 Reprimand</p>

Practitioner	Summary of allegations	Penalty
<p>Leonard WARSON (Caulfield East) DB-U 15733</p>	<ul style="list-style-type: none"> • Owners of two property sites in Hidden Valley and Cheltenham engaged the practitioner's company, Prentice Homes Pty Ltd and Glenvill Pty Ltd, for the construction of new homes for \$241,432 and \$297,058 respectively. • The practitioner's company had claimed frame stage payment on 27 January 2004 prior to frame stage being approved on 10 May 2004 in contravening s40(2) of the Domestic Building Contracts Act 1995 at Hidden Valley. In March 2004, the practitioner responded to the owners concern advising of a flaw in the system for claims and that a refund would not be provided given that works had been completed almost to lock up stage. The practitioner had not notified the building surveyor without delay and had contravened s33(1) of the Building Act 1993. • The owners of Hidden Valley contacted BACV due to concerns over defective works and five inspection reports were completed noting 96 defects. Defects in non compliance with the Building Code of Australia or Australian Standards included the installation and the lack of continuity of the vertical articulation joints, size of bed joints and the width of perpend at the base, brick window sills, various cornices requiring replacements on different walls, and defective painting. • The owners at Cheltenham contacted BACV due to concerns over defective works and 54 items were noted as defects including tiling, brickwork finish in certain areas, masonry, painting and some skirting board defects. The Board noted the practitioner's early guilty plea and that the Building Commission had previously prosecuted the companies in relation to these sites in December 2005. 	<p>Fine \$4405 Costs \$500 Reprimand</p>
<p>Anthony CASSAR (Caroline Springs) DB-U 4424</p>	<ul style="list-style-type: none"> • In May 2004 the owners engaged the practitioner to construct a new single storey home with an attached garage in Caroline Springs for \$220,000 • The owners contacted Building Conciliation and Advice Victoria (BCAV) due to concerns over alleged defective building works in which two items were found to be attributable to the practitioner that included floor tile lifting and uneven in WC and cement sheet bowing above a bedroom window. • The Board found the practitioner guilty of poor workmanship and for failing to carry out recommendations of a BCAV inspection report in accordance with s179 (1) (b) and s179 (1) (fb) respectively. When considering penalty, the Board took into account the practitioner's guilty plea and contrition. 	<p>Costs \$200 Reprimand</p>
<p>Raymond ROWLEY (Traralgon) DB-U 1529</p>	<ul style="list-style-type: none"> • In March 2003 the owners engaged the practitioner to construct a new single storey home with an attached garage in Leongatha for \$108,967. • The owners contacted Building Conciliation and Advice Victoria (BCAV) due to concerns over alleged defective building works and found the floor and flooring to be deflecting along the east wall in the kitchen and meals area and attributable to the sub floor ventilation. • The Board found the practitioner guilty of poor workmanship in accordance with s179 (1) (b). When considering penalty, the Board took into account the practitioner's early guilty plea and other possible attributable factors for the deflection. 	<p>Costs \$200 Reprimand</p>

Prosecutions

GUISEPPE CANCELLERI & CANBERRA BRICKLAYERS PTY LTD (SUBURB)

CBU 4167 & DBU 8400

Date of Prosecution: 20/11/2007

Decision – both subjects pleaded guilty and both defendants were given an undertaking to be of good behaviour for a period of 12 months and to each pay \$5,000 to the Court fund and prosecution costs of \$2,250.

Cancelleri, a director of Canberra Bricklayers Pty Ltd, was registered as a commercial builder and had been registered as a domestic builder. However, between 2 May 2003 and 3 January 2006 his domestic registration was suspended due to non renewal. No other director of the company was registered.

Canberra Bricklayers Pty Ltd performed domestic building work under a major domestic building contract, which consisted of concreting and associated works on two adjoining properties in Coburg at an estimated cost of \$29,000 without obtaining the required insurance.

Canberra Bricklayers Pty Ltd was charged with:

1. carrying out building work under a major domestic building contract without the required insurance contrary to section 136 (2) of the *Building Act 1993*;
2. carrying out building work when none of the directors of the company was registered in the appropriate category contrary to section 176 (2A) of the *Building Act 1993*.

Cancelleri, who was concerned in the management of the company and who was directly concerned with the commission of the offences was charged with:

1. carrying out building work under a major domestic building contract without the required insurance contrary to section 136 (2) of the *Building Act 1993*.
2. carrying out building work without being registered in the appropriate category contrary to section 176 (2A) of the *Building Act 1993*.

IAN TRAGARDH

DB-L19495

(Mount Elisa)

Date of Prosecution: 28/11/07

Decision – the subject pleaded guilty to all and was fined \$1200 without conviction and ordered to pay \$2500 in prosecution costs. Pursuant to section 253 of the Act Tragardh was further ordered to apply for an occupancy permit and amended building permit within 90 days.

Tragardh acted as owner-builder in relation to the construction of a new dwelling and garage in Mount Elisa. A building permit was obtained in March 2005, which required an occupancy permit to be issued prior to the residence being occupied.

In November 2005 Tragardh commenced occupation of the residence and in May 2006 was issued with a building notice by the relevant building surveyor (RBS) regarding the requirement for an occupancy permit. Tragardh continued to reside in the dwelling and was issued with a building notice in June 2006 by the RBS prohibiting the occupation of the dwelling and requiring evacuation. Tragardh failed to comply with the notice.

A subsequent site inspection revealed that in addition to the occupation issues the construction of the building works, specifically side and rear decking was not in accordance with the approved building permit.

Tragardh was charged with:

1. carrying out work that was not carried out in accordance with the permit contrary to section 16(1) of the *Building Act 1993*(Act);
2. occupying a building without an occupancy permit; contrary to section 39(2) of the Act;
3. failing to comply with a building order contrary to section 118 of the Act.

On the pulse^o

- In 2007 there was 102,622 building permits issued valued at \$18.3 billion. Source: *Building Commission*
- There was an estimated \$110,000 worth of revenue per building industry employee in 2007. Source: *Building Commission/ABS*
- Based on value, 93 per cent of building permits were issued for private building work in 2007. Source: *Building Commission*

\$18 billion record for Victoria's building industry

Victoria's robust building industry has broken the calendar year record, crashing through the \$18 billion barrier for building permits issued for the first time, to reach \$18.3 billion in the 2007 calendar year.

Releasing the Building Commission's *Pulse 2007* calendar year statistics, Building Commissioner, Tony Arnel, said that at \$18.3 billion, was 9.8 per cent and \$1.6 billion above the 2006 calendar year, the figures reveal the biggest calendar year on record.

"For three months we recorded building activity in excess of or close to \$2 billion," Mr Arnel said.

"Eleven months of the calendar year exceeded \$1 billion, which made 2007 a very successful year for the building industry.

"One of the most pleasing aspects of this record building permit activity is that it has reached all corners of the state, with each region recording growth in building activity in 2007.

"In rural Victoria, building activity grew by 2.4 per cent breaking through the \$4 billion mark – its highest level ever – while inner Melbourne grew 8.6 per cent and outer Melbourne by 16.1 per cent, which combined to increase Metropolitan Melbourne by 12.2 per cent to \$14.2 billion," he said.

Mr Arnel said the strong performance of the 2007 calendar year, especially the three months close to \$2 billion demonstrate that the building industry is sustaining activity at impressive levels.

"The hard-work and commitment of the building industry has seen building permit activity surpass \$18 billion in 2007, achieving strong growth for the third year in a row," Mr Arnel said.

The municipalities of metropolitan and regional Victoria played a major role in the industry's continued strong performance during 2007 and should be acknowledged for their outstanding contribution.

"In inner Melbourne, the cities of Glen Eira, Moreland and Melbourne experienced growth of 55 per cent, 28.5 per cent and 25.1 per cent respectively, with the City of Melbourne impressively surpassing the \$2 billion mark. In outer Melbourne, the highest growth areas were the cities of Manningham, Whittlesea and Kingston, which recorded growth of 173.3 per cent, 49.8 per cent and 30.4 per cent respectively," he said.

The Top ten metropolitan municipalities for the 2007 calendar year were:

Municipality	Value of Building Work (\$'000,000)	Growth (%)
Melbourne	2,229.9	↑ 25.10
Wyndham	858.6	↑ 12.20
Whittlesea	708.6	↑ 49.88
Boroondara	700.3	↑ 5.80
Casey	692.8	↑ 3.70
Mornington	602.7	↑ 6.20
Brimbank	512.1	↑ 29.60
Port Phillip	503.3	↑ 11.00
Hume	502.2	↑ 2.60
Stonnington	500.5	↑ 5.80

Source: Building Commission

Mr Arnel said it is encouraging to see all metropolitan municipalities in the top ten experiencing growth.

"Many rural regions have also experienced growth and rural building permit activity has made a significant contribution to the outstanding levels of Victoria's overall building activity in 2007.

"The North East, South West and Gippsland regions all recorded increases in building activity in 2007, with the South West recording the highest rate of growth of 8.6 per cent – recording more than 33 per cent of the rural building permits issued," he said.

The Top ten rural municipalities for the 2007 calendar year were:

Municipality	Value of Building Work (\$'000,000)	Growth (%)
Greater Geelong	802.6	↑ 27.20
Ballarat	311.8	↑ 40.10
Greater Bendigo	247.3	↑ 8.80
La Trobe	196.0	↑ 48.10
Greater Shepparton	171.5	↑ 2.40
Surf Coast	166.5	↑ 31.30
Bass Coast	166.1	↑ 16.20
Baw Baw	133.6	↑ 12.8
Macedon Ranges	113.6	↑ 5.40
East Gippsland	110.5	↑ 12.80

Source: Building Commission

Mr Arnel said the outstanding performance of the building industry in 2007 provides a strong foundation for 2008.

Building Surveyor internship

Up to 10 internships have been made available to assist Victoria's regional councils to address building surveying skills shortages. A two-year pilot program is being funded jointly by the Building Commission and Regional Development Victoria.

The internship program is designed to assist councils to place an intern in a fully-supervised learning role while the intern progresses through their Building Surveying studies.

The interns will receive up to \$10,000 annually, for two years and the program is funded under the 'Make Your Career Happen in Provincial Victoria' initiative, which forms a key part of the Victorian Government's Provincial Victoria Statement.

The funding can be used for a variety of purposes, such as paying for a course or course-related costs, supplementing the recipient's income and/or paying for travel and/ or accommodation expenses when attending a relevant course.

In addition to the monetary incentive, the Victorian Municipal Building Surveyors Group, the Australian Institute of Building Surveyors and the Building Commission will provide mentoring, work experience opportunities and support.

Applications from regional councils for the 2008/09 financial year can be made via the Building Commission website at www.buildingcommission.com.au

And the winner to host SB08 is Melbourne...

Melbourne is hosting the 2008 World Sustainable Building (SB08) Conference series, which is held every three years and is the peak gathering of the world's leading technical experts and researchers on sustainable built environments.

Early registration is available before 30 April 2008 for the reduced price of \$995 or registrations received after the date will cost \$1095.

SB08 Melbourne will continue a traditional focus on technical developments and case studies. CSIRO (Australia's national research

organisation), leading universities and research groups in Australia and from around the world, are all expected to release new research.

How well the research community interacts with industry and government has a significant impact on the speed of technology transfer and adoption of sustainable development concepts and technologies. A high level of engagement will guarantee that communities can enjoy livable, viable and connected built environments through generations.

SB08 has a 'zero net greenhouse emissions' target, covering the energy used in the venues and hotel accommodation.

BRAC Accreditations

Two products were recently accredited by the Building Regulations Advisory Committee (BRAC).

The BRAC accreditation summary is below:

1. Roof and Wall Panel Building System G8-01 V07/04

A method of construction, which provides a complete system of walls and roof in panel form, embracing products that benefit separately from their own accreditation, yet provide better standards when combined in synergy.

The product allows for a reduction in construction timeframes, lower construction costs and enhanced performances over previous Ladyhill Pty Ltd manufactured designs.

2. CSR Bradford Cavity Wall Insulation V07/05

For use in brick cavity and brick veneer construction, this product is a granulated rockwool mineral fibre specially treated with a hydrophobic additive to make it water repellent.

Insulating brick cavity and brick veneer walls improves the thermal performance of the house and it's ideally suited to the insulation of already existing brick veneer and double brick residences. It has good thermal, acoustic and fire retardant properties.

For further information on BRAC accredited products, contact Technical Services 1300 360 380.

Your home renovation guide – a renovator's new best friend

The building industry, consumers and DIY renovators will benefit from a new publication being developed for the Building Commission and other leading government bodies that is due for release in April.

The publication has been developed with support from the Building Commission, Australian Department of Environment, Water, Heritage and the Arts, Sustainability Victoria, NSW Department of Environment and Conservation, Queensland Environmental Protection Agency, ACT Planning and Moreland Energy Foundation.

The 'Your Home Renovator's Guide' will be a terrific tool for anybody renovating a home, whether they are a home owner or a professional building practitioner.

The guide will cover all elements of renovations, from getting started to regulations, DIY versus leave it to the

professionals, planning, completing a home/site audit, layout tips and planning, housing styles, sustainable building practices, utilising natural light, room by room design and much more.

This useful and well researched guide will also include a section that offers advice on landscaping and vegetable or native gardens.

The production of the 'Your Home Renovator's Guide' is being managed and researched by the Centre for Design at RMIT University and the Institute for Sustainable Futures at University Technology Sydney and is expected to be available in late April.

CPD Awards 2008

The fourth annual Continuing Professional Development (CPD) Awards will be held on Friday 14 November, 2008, at the Melbourne RACV Club.

The CPD Awards 2008 recognise individual practitioners, who have achieved excellence in their pursuit of greater knowledge and the application of new and improved skills.

The awards are open to any Registered Building Practitioner who has completed their CPD during the 2007/08 registration period.

To apply for the CPD Awards, contact the Building Commission on 9285 6400 or visit www.buildingcommission.com.au



INFORM Events Calendar

17 – 19 October 2008	Save Water Save Energy Expo	Melbourne Exhibition Centre
16 – 18 May 2008	MBAV – Building and Home Improvement Expo	Melbourne Exhibition Centre
28 March 2008	HIA – Building and Business Show	Crown Casino
21 – 25 September 2008	Sustainable Building 08	Melbourne Exhibition Centre

inform

Technical enquiries	1300 360 380
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BACV enquiries	1300 557 559
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