

ARARAT RURAL CITY COUNCIL



INSTRUMENT OF DELEGATION

S12 MUNICIPAL BUILDING SURVEYOR PACKAGE

02 FEBRUARY 2022

Instrument of Delegation and Authorisation

In exercise of the powers conferred by ss 216B and 228A of the Building Act 1993, by this Instrument of Delegation and Authorisation, I Craig Fletcher as Municipal Building Surveyor of Ararat Rural City Council –

1. delegate each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff, or person engaged described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that a reference in the Schedule to
“CBI” means Contract Building Inspector;
“MPCC” means Manager Planning, Community and Compliance;
“N/A” means Not Applicable
“PDO’s” means All Planning and Development Officers
3. appoint the following persons to be authorised persons for the purposes of exercising the powers of the municipal building surveyor under Division 2 of Part 13 of the Act:
3.1 Craig Fletcher
3.2 Wayne McCosh
4. record that on the coming into force of this Instrument of Delegation and Authorisation each delegation under the Instrument of Delegation dated 2 July 2021 and executed by Craig Fletcher is revoked;
5. declare that this Instrument of Delegation and Authorisation –
 - 5.1 comes into force immediately upon its execution;
 - 5.2 must be exercised in accordance with any guidelines or policies which Council from time to time adopts, and -
is subject
 - 5.3 any conditions and limitations set out in the Schedules

Dated 2 February 2022



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Signed by Craig Fletcher
Municipal Building Surveyor
in the presence of:

Witness

Delegation Sources

- Building Act 1993
- Building Regulations 2018

Positions

Abbreviation	Position	Name
CBI	Contract Building Inspector	Wayne McCosh
MPCC	Manager Planning, Community and Compliance	Veronica Schilling
N/A	Not Applicable	

Positions Groups

Positions Group	Position	Positions
PDOs	All Planning and Development Officers	PDO2, PDO1, PDO3

S12 Municipal Building Surveyor Package

Building Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.10(2)	Power to be satisfied and to certify in writing that substantial progress was made on the design of a building before a building regulation or amendment commenced.	CBI	Where the municipal building surveyor is the relevant building surveyor
s.10(4)	Power to agree with owner of building or land that a building regulation or amendment is to apply	CBI	Where the municipal building surveyor is the relevant building surveyor
s.17	Function of receiving application for a building permit	CBI	
s.18A(2)	Duty to provide to Development Victoria without delay notice setting out information in s 18A(2)(a) and a copy of any relevant planning permit, in certain circumstances where s 18A(1) is satisfied	N/A	Where the municipal building surveyor is the relevant building surveyor
s.18B(2)	Duty to give notice of an application which satisfies s 18B(1), to the Commissioner of State Revenue	N/A	Where the municipal building surveyor is the relevant building surveyor
s 18D(2)	Duty to, within 14 days after receiving an application, give to the Secretary to the Department of Environment, Land, Water and Planning a notice of the application, a copy of the application and any documents that accompany the application	N/A	Where the municipal building surveyor is the relevant building surveyor
s.19	Duty to decide application for building permit by either issuing permit, issuing permit with conditions or refusing permit	N/A	Where the municipal building surveyor is the relevant building surveyor
s.21(1)	Duty to specify in building permit whether occupancy permit is required under s 21(2) for the whole or part of the building	N/A	Where the municipal building surveyor is the relevant building surveyor
s.21(2)	Duty to consider whether building work is minor or does not compromise the suitability of the building	CBI	Where the municipal building surveyor is the relevant building surveyor

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	for occupation		
s.23	Duty to notify the reporting authority of permit and give the reporting authority a copy of the permit, where issues a building permit which differs from or fails to implement the recommendations in the reporting authority's report under Schedule 2 on the application for the permit	CBI	Where the municipal building surveyor is the relevant building surveyor Does not apply to classes of buildings set out in r 1805 of the Building Regulations 2018
s.24(1)	Power to issue building permit where satisfied of matters set out in s 24(1), subject to s 24A	N/A	Where the municipal building surveyor is the relevant building surveyor
s.24(2)	Duty to not issue building permit that imposes on the applicant lesser or greater standards or requirements than those prescribed by this Act or building regulations, unless permitted to do so by this Act or the building regulations.	N/A	Where the municipal building surveyor is the relevant building surveyor
s.24(3)	Power to issue building permit for the carrying out of building work for which notice is required to be given to Development Victoria under section 18A where the requirements of s 24(3) are met (relating to notice given to Development Victoria)	N/A	Where the municipal building surveyor is the relevant building surveyor
s.24(4)	Power to issue a building permit for the carrying out of building work on land in respect of which there is a GAIC recording (within the meaning of Part 9B of the Planning and Environment Act 1987) where the requirements of s 24(4) are met	N/A	Where the municipal building surveyor is the relevant building surveyor
s 24(4A)	Power to issue a building permit for the carrying out of building work on land in respect of which there is a levy recording (within the meaning of the Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020 (Vic)) where the requirements of s 24(4A) are met	N/A	Where the municipal building surveyor is the relevant building surveyor
s.24(5)	Power to issue building permit in respect of building	N/A	Where the municipal building surveyor

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	work where satisfied that any community infrastructure levy payable under Part 3B of the Planning and Environment Act 1987 has been paid to the relevant agency or an agreement has been entered for payment		is the relevant building surveyor
s 24(6)	Power to issue a building permit in relation to building work where satisfied by the applicant of the criteria set out in s 24(6)(a) and (b)	N/A	Where the municipal building surveyor is the 'relevant building surveyor' Subject to s 269 of the Building Regulations 2018
s 24(7)	Power to issue a building permit in relation to building work where satisfied by the applicant of the criteria set out in s 24(7)(a) and (b)	N/A	Where the municipal building surveyor is the 'relevant building surveyor' Subject to s 269 of the Building Regulations 2018
s 24A(1)	Power to issue permit where satisfied of the matters set out in s 24A(1)(a) – (d)	N/A	Where the municipal building surveyor is the relevant building surveyor
s.25	Duty to notify applicant for a permit in writing without delay of refusal of permit and reasons refusal	CBI	Where the municipal building surveyor is the relevant building surveyor
s 25AA(1)	Function of receiving notification that the person is the new owner of the land	MPCC, CBI, PDOs	Where the municipal building surveyor is the relevant building surveyor
s.25A	Function of receiving notice of changes to the engagement of a building practitioner, an endorsed building engineer or an architect	CBI, PDOs	Where the municipal building surveyor is the relevant building surveyor
s.28(1)	Power to issue building permit for carrying out of building work that does not comply with building regulations if the work is to be carried out on, or in connection with a building included on the Heritage Register, subject to s24	N/A	Where the municipal building surveyor is the relevant building surveyor
s.28(3)	Duty to take into account certain matters in deciding	N/A	Where the municipal building surveyor

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	application for a building permit in respect of a building to which s 28(1) applies		is the relevant building surveyor
s.29(1)	Power to refuse to issue building permit for construction of a building in certain circumstances	N/A	Where the municipal building surveyor is the relevant building surveyor
s.29(2)	Duty to not refuse to issue building permit on the sole ground that the owner may without notice to the Council dispose of the land to the Crown or a public statutory body	N/A	Where the municipal building surveyor is the relevant building surveyor
s.29B(1) and (3)	Function of receiving notice from the responsible authority	CBI	Where the municipal building surveyor is the relevant building surveyor
s.29B(2)	Duty to suspend consideration of application for building permit upon receipt of notice under s 29B(1)	CBI	Where the municipal building surveyor is the relevant building surveyor
s.29B(5)	Duty, in making decision under s 24, to consider the requirements of the relevant planning scheme as amended when given notice of amendment under s 29B(3)(c)	CBI	Where the municipal building surveyor is the relevant building surveyor
s.30(1)	Duty to give Council a copy of permit, plans and other documents lodged with permit application	CBI	Where the municipal building surveyor is the relevant building surveyor
s 30(1A)	Duty to give a copy of any other prescribed documents, relating to the application for the building permit or the permit, to the relevant council	MPCC, CBI	Where the municipal building surveyor is the 'relevant building surveyor'
s.30B(a)	Duty to certify documents and lodgement fees paid on approved checklist	N/A	Where the municipal building surveyor is the relevant building surveyor Only applies to building permits issued on or after 4 July 2016

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.30B(b)	Duty to give certified checklist to Council at same time as giving documents required under s 30	N/A	Where the municipal building surveyor is the relevant building surveyor Only applies to building permits issued on or after 4 July 2016
s.33(1)	Function of being notified after completion of each mandatory notification stage of building work for which a permit has been issued under Part 3	CBI	Where the municipal building surveyor is the relevant building surveyor
s.33(2)	Power to direct person to stop carrying out work after completion of mandatory notification stage	CBI	Where the municipal building surveyor is the relevant building surveyor
s 34	Duty to cause building work to be inspected in person upon being notified of completion of mandatory notification stage of building work for which a building permit has been issued under Part 3	MPCC, CBI	Where the municipal building surveyor is the relevant building surveyor
s.35	Power to cause building work for which permit issued under Part 3 to be inspected at any time, whether or not mandatory notification stage completed	MPCC, CBI	Where the municipal building surveyor is the relevant building surveyor
s 35A(1)	Duty to ensure that a record of the inspection is made upon completion of an inspection under ss 34 or 35	CBI	Where the municipal building surveyor is the relevant building surveyor
s 35A(2)	Duty to give a copy of the record made under s 35A(1) upon written request	CBI	Where the municipal building surveyor is the relevant building surveyor
s 35A(2)(b)	Function to request and receive a copy of a record made under s 35A(1)	CBI	Where the MBS is the MBS for the municipal district in which the building work was inspected
s 35B	Duty not to cause a person to carry out an inspection under ss 34 or 35 unless the criteria in ss	N/A	Where the municipal building surveyor is the relevant building surveyor

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	35B(a) or 35B(b) is met		
s.37A(2)	Duty to give a direction to fix building work to relevant person where reasonable belief that building work fails to comply with this Act, building regulations or building permit	CBI	Where the municipal building surveyor is the relevant building surveyor
s.37A(3)	Power to authorise building surveyor or relevant building inspector to give oral direction to fix building work to relevant person	CBI	Where the municipal building surveyor is the relevant building surveyor
s.37D(2)	Duty to give written direction to fix building work where not satisfied at the end of prescribed period following an oral direction that building work complies with this Act, building regulations or building permit	CBI	Where the municipal building surveyor is the relevant building surveyor
s.37G(1)	Function of receiving request to extend period to comply with building direction	CBI	Where the municipal building surveyor is the relevant building surveyor
s.37G(3)	Power to grant extension of period for compliance with direction to fix building work received under s.37G(2)	CBI	Where the municipal building surveyor is the relevant building surveyor
s.37G(4)	Duty to give written notice of extension of time granted under s 37G(3) to builder	CBI	Where the municipal building surveyor is the relevant building surveyor
s.37HA	Power to stay operation of a direction to fix building work where subject of conciliation	CBI	Where the municipal building surveyor is the relevant building surveyor
s.37I(1)	Power to revoke direction to fix building work	CBI	Where the municipal building surveyor is the relevant building surveyor
s.37I(2)	Duty to give written notice of revocation of direction to fix building work	CBI	Where the municipal building surveyor is the relevant building surveyor
s.37J	Duty to give prescribed documents in relation to	CBI	Where the municipal building surveyor

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	direction to fix building work to relevant owner and any other prescribed person		is the 'relevant building surveyor'
s 37J	Function of receiving documents	CBI, PDOs	Where the municipal building surveyor is the 'relevant building surveyor' and in turn a 'prescribed person'
s.37K(1)	Duty to give written notice to VBA and relevant owner of failure to comply with a written direction to fix building work within 7 days of failure to comply	CBI	Where the municipal building surveyor is the relevant building surveyor
s.38(1)	Duty to issue notice of final inspection following inspection of final mandatory notification stage, if occupancy permit not required and all directions complied with	CBI	Where the municipal building surveyor is the relevant building surveyor
s.41	Function of receiving application for occupancy permit	CBI, PDOs	Where the municipal building surveyor is the relevant building surveyor
s.43	Duty to decide application for occupancy permit under Division 1 of Part 5 by either issuing permit, issuing permit with conditions or refusing permit	CBI	Where the municipal building surveyor is the relevant building surveyor
s.44	Duty to not issue occupancy permit in certain circumstances	CBI	Where the municipal building surveyor is the relevant building surveyor
s.47	Duty to notify the reporting authority without delay and give copy of permit to the reporting authority, if issues occupancy permit which differs from or fails to implement recommendations in the reporting authority's report under Schedule 2	CBI	Where the municipal building surveyor is the relevant building surveyor Does not apply to classes of building set out in r 1805 of the Building Regulations 2018
s.48	Duty to notify applicant of refusal of permit under Division 1 of Part 5 and reasons for refusal	CBI	Where the municipal building surveyor is the relevant building surveyor

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.53	Function of receiving application for an occupancy permit	CBI, PDOs	
s.55	Duty to not issue occupancy permit under Division 2 of Part 5 unless the place to which the permit applies is suitable for occupation for the public entertainment or class of public entertainment for which the permit is sought	CBI	Where the municipal building surveyor is the relevant building surveyor
s.56	Duty to decide application for occupancy permit under Division 2 of Part 5 by either issuing permit, issuing permit with conditions or refusing permit	CBI	Where the municipal building surveyor is the relevant building surveyor
s.57(1)(a)	Power to approve the siting of a temporary structure	CBI	
s.59	Power to issue combined occupancy permit if requirements of Division 1 and Division 2 of Part 5 are satisfied	CBI	Where the municipal building surveyor is the relevant building surveyor
s.60	Duty to notify the reporting authority without delay and give copy of permit to the reporting authority, if issues occupancy permit which differs from or fails to implement recommendations in the reporting authority's report under Schedule 2	CBI	Where the municipal building surveyor is the relevant building surveyor
s.62	Duty to notify applicant of refusal of permit under Division 2 of Part 5 and reasons for refusal	CBI	Where the municipal building surveyor is the relevant building surveyor
s.63	Power to cause any place of public entertainment for which an occupancy permit has been issued under Division 2 of Part 5 to be inspected from time to time to determine whether or not the permit is being complied with	CBI	
s.64	Power to approve occupation on a temporary basis of a building for which there is not or could not be issued an occupancy permit appropriate to the use	CBI	

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	of the building		
s.66	Power to approve form of application under Division 3 of Part 5	CBI	Where the municipal building surveyor is the relevant building surveyor
s.67	Duty to decide application for approval to occupy a building on a temporary basis by either issuing approval, issuing approval with conditions or refusing approval	CBI	Where the municipal building surveyor is the relevant building surveyor
s.69	Duty to notify applicant in writing of refusal and reason for refusal of approval to occupy building on temporary basis	CBI	Where the municipal building surveyor is the relevant building surveyor
s.70	Power to amend a permit or approval issued under Part 5, on an application by the owner of the building or land or if the amendment is necessary in the public interest	CBI	
s.71	Power to cancel a permit or approval if obtained by fraud or misrepresentation	N/A	Where the municipal building surveyor is the relevant building surveyor
s.72	Power to cancel occupancy permit issued under Division 1 of Part 5 in certain situations	N/A	
s.73(1)	Duty to give Council a copy of permit, approval, amendment, plans or other documents lodged with application	CBI	Where the municipal building surveyor is the relevant building surveyor
s.73(1A)	Duty to give Council a copy of other prescribed documents relating to application	CBI	Where the municipal building surveyor is the relevant building surveyor
s.81(4)	Duty to not complete the first private building surveyor's functions in respect of the building work without the written consent of the VBA, where the appointment of a private building surveyor is terminated under s 81(3)	N/A	

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.82	Duty to comply with direction of the VBA where appointment of private building surveyor is terminated and the MBS is to complete the private building surveyor's functions	N/A	
s.83T(2)	Function of receiving information from manager appointed by the VBA under s 83B	N/A	
s.84(1)	Function of receiving notification of proposed building work where owner is required to undertake protection work in respect of an adjoining property before or during the carrying out of building work for which a building permit is required must	CBI	Where the municipal building surveyor is the relevant building surveyor
s.85(1)(b)	Function of receiving notice from adjoining building owner regarding proposed protection works	CBI	Where the municipal building surveyor is the relevant building surveyor
s.87(1)	Duty to examine the proposal for protection work and determine the appropriateness or otherwise of the work upon receipt of notice under s 85(1)(b)	CBI	Where the municipal building surveyor is the relevant building surveyor
s.87(2)(a)	Power, in the case of notice under s 85(b)(ii), to ask owner for more information before making determination under s 87(1)	CBI	Where the municipal building surveyor is the relevant building surveyor
s 87(2)(b)	Duty to make copy of information available to adjoining owner	CBI	
s.87(3)	Power make any inquiries and not to give any person a hearing	CBI	Where the municipal building surveyor is the relevant building surveyor
s87(4)	Duty to give notice of determination under s 87	CBI	Where the municipal building surveyor is the relevant building surveyor
s.92	Duty to make available to adjoining owner, on request, for inspection, without charge, plans, drawings and specifications of proposed building	CBI	Where the municipal building surveyor is the relevant building surveyor

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	work at any time after notice of intention to commence building work is given under Part 7		
s.101(1)	Function of receiving plans, drawings and specifications showing protection work	CBI, PDOs	Where the municipal building surveyor is the relevant building surveyor
s.101(2)	Duty to give a copy of documents received under subsection (1) to Council	CBI	Where the municipal building surveyor is the relevant building surveyor
s.102	Power to make an emergency order under Division 1 of Part 8 if the MBS is of the opinion that the order is necessary because of danger arising out of the condition or use or proposed use of a building, land on which building work is carried out or a place of public entertainment	CBI	
s 103(2)	Power to permit any person to enter, use or occupy a building, land or a place of public entertainment	MPCC, CBI	
s 104(5)	Function of receiving the results of the destructive testing of the building product or material from an owner or builder referred to in s 104(4)	MPCC, CBI	
s.105(2)	Duty to cause an emergency order to be served on the person to whom it is directed without delay after it is made	MPCC, CBI	
s.105(3)	Duty to give a copy of an emergency order to any private building surveyor appointed to perform a function in relation to a building, land or place to which the order relates	MPCC, CBI	
s.105B	Power to cancel an emergency order in some circumstances, by giving a written notice to the person to whom the notice was directed	CBI	
s.106	Power to cause a building notice to be served on an owner of a building, land or place of public	CBI	s 118A: must only cause building notice to be served if direction to fix building

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	entertainment if believes that one of the circumstances specified in s 106(a) - (d) exists		work not complied with, or satisfied it is not possible or appropriate to give a direction to fix the building work
s.110	Power to cancel building notice after considering any representations made by owner under s 109	CBI	Where the municipal building surveyor is the relevant building surveyor
s.111(1)	Power to make building order under s 111 after the end of the time allowed by the building notice for making representations	CBI	s 118A: must only make building order if direction to fix building work not complied with, or satisfied it is not possible or appropriate to give a direction to fix the building work
s 111(2)	Duty to consider any representations made by the owner concerned before making an order	CBI	Where the municipal building surveyor is the relevant building surveyor
s 111(4)	Power to permit a person entering, using or occupying a building, land or place of public entertainment	CBI	
s 111(9)	Function of receiving the results of the destructive testing of the building product or materials from the owner or builder referred to in s 111(8)	MPCC, CBI	Where the municipal building surveyor is the relevant building surveyor
s.112(1)	Power to make a building order that requires an owner or other person to stop building work	CBI	Subject to s 107
s.112(6)	Power to exempt any part of the building work from a building order under s 112, if the relevant building surveyor considers that it is necessary for the building work to be carried out in accordance with s 112(6)(a)-(c)	CBI	Where the municipal building surveyor is the relevant building surveyor
s.113	Power to make a building order requiring the owner of a building, land on which building work is being or is proposed to be carried out or a place of public entertainment, to carry out work without first serving a building notice, if it is believed that the work	CBI	Subject to s 107

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	required to be carried out is of a minor nature		
s.114(2)	Duty to cause building order to be served on person to whom it is directed without delay	MPCC, CBI	Where the municipal building surveyor is the relevant building surveyor
s.116(2)	Power to amend or cancel a building order or refuse to amend or cancel a building order after considering request under s 116(1)	CBI	Where the municipal building surveyor is the relevant building surveyor
s.116(4)	Duty to inform the owner in writing, without delay, of the relevant building surveyor's decision under s 116(2)	CBI	Where the municipal building surveyor is the relevant building surveyor
s 119	Power to direct a person to obtain a building permit, or to comply with the Regulations, when carrying out work in accordance with an emergency order or building order in force under Part 8 of the Act	CBI	Where the municipal building surveyor is the relevant building surveyor
s.120(2)	Duty to inspect work notified as completed under s 120(1) and either report to Council that emergency order or building order has been fully complied with or require that order be fully complied with	CBI	Where the municipal building surveyor is the relevant building surveyor
s.121	Power to cause work to be carried out if an owner fails to carry out work as required by an emergency order or building order	CBI	
s.122	Duty to take necessary action if required by Minister	CBI	
s.124	Power to request assistance of a police officer, to evacuate a building, land or place of entertainment in accordance with emergency order, or in removing persons from building, land or place in which work is being carried out in accordance with emergency order	MPCC, CBI	
s.125(1)	Duty to give a copy of notice or order to Council	CBI	Where the municipal building surveyor

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			is the relevant building surveyor
s.125(2)	Duty to give a written notice of the compliance, amendment or cancellation to Council	CBI	Where the municipal building surveyor is the relevant building surveyor
s.150	Power to refer to Building Appeals Board any dispute with owner about exercise of powers under s 228D(6)(ab)	MPCC, CBI	Where the municipal building surveyor is the relevant building surveyor
s.156	Power to refer to Building Appeals Board any dispute about estimate of costs of work	CBI	Where the municipal building surveyor is the relevant building surveyor
s.157	Power to refer to Building Appeals Board a dispute about a building, building work or proposed building work which concerns the application or effect of any provision of the building regulations or whether any provision of the building regulations is or has been complied with	CBI	Where the municipal building surveyor is the relevant building surveyor
s.160	Power to make application to the Building Appeals Board for a determination that a provision of the building regulations does not apply or applies with the modifications or variations specified in the application	CBI	
s.160A	Power to make application to the Building Appeals Board for a determination that a particular design of a building or an element of a building complies with this Act, the building regulations or any document applied, adopted or incorporated in the building regulations	CBI	Where the municipal building surveyor is the relevant building surveyor
s 162(1)(a)(iii) and (c)	Function of being consulted by Building Appeals Board	CBI	
s 176A(g)	Power to request that a registered building practitioner or, in the case of a registered body	MPCC, CBI	

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	corporate, the nominee director of the registered building practitioner, produce their certificate of registration for inspection		
s 187O	Power to request a licensed building employee to produce their licence certificate for inspection	MPCC, CBI	
s 188AA(3)	Duty to comply with any relevant direction issued under s 188AA(1) in carrying out a function under the Building Act 1993 and Building Regulations 2018	MPCC, CBI	
s 205HA	Duty to refuse building permit application if the circumstances described in s 205HA(a) and (b) apply	CBI	Where the municipal building surveyor is the relevant building surveyor
s.205I(1)	Duty to estimate the cost of the building work and without delay give the VBA and applicant written notice of the estimate	CBI	Where the municipal building surveyor is the relevant building surveyor
s 205I(2)	Duty to estimate the cost of the whole of the building work, estimate the cost of the stage of the building work and, without delay, give the VBA and applicant written notice of the matters specified in s 205I(3)	MPCC, CBI	Where the municipal building surveyor is the relevant building surveyor
s 205I(4)(a)(i) and (ii)	Duty to estimate the cost of the building work (including the cost of labour and material) that relates to the class or classes of building referred to in s 205G(2A) and a class 1, 9 or 10 and for which the building permit is sought, having regard to the information given under s 205H(1AAA)	CBI	Where the municipal building surveyor is the relevant building surveyor
s.205J(1)	Duty to keep certain records, make those records available, forward the amounts received to the VBA and give periodic returns to the VBA	CBI	
s.205M	Duty to follow a direction given by the VBA	N/A	

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.205M(4)	Power to make submissions to the VBA about the proposed direction or recommendation	N/A	
s.205M(5)	Function of receiving a copy of a direction or recommendation from the VBA	N/A	
s.216C(1)(a)	Function of issuing building permits where appointed for land outside the municipal district	N/A	
s.216C(1)(b)	Function of carrying out inspections of buildings and building work under part 4 where appointed for land outside the municipal district	N/A	
s.216C(1)(c)	Function of issuing occupancy permits and temporary approvals under part 5 where appointed for land outside the municipal district	N/A	
s.216(3)	Power to use the title of municipal building surveyor in carrying out functions under s 216 of the Act	N/A	Power of a MBS appointed under s216C(1) of the Act in respect of land outside the municipal district
s.216C(2) & (4)	Power to carry out outside the municipal district any function, other than those specified in s 216C(1), conferred on a private building surveyor by this Act or the regulations	N/A	Power of a MBS appointed under s216C(1) of the Act in respect of land outside the municipal district
s.225(d)	Duty to assist the Minister and obey all directions given by the Minister in the exercise of any of the powers of the Minister under s 224	MPCC, CBI	
s.227E(1)	Power to inspect, either separately or jointly with chief officer, any safety or emergency installations, equipment or services or any records or reports relating to the operation and maintenance of any safety or emergency installations, equipment or services	CBI	

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.227E(2)	Function of receiving from chief officer a report of an inspection by the chief officer under s 227E(1)	CBI, PDOs	
s.227E(3)	Duty to ensure that owner of building or place of public entertainment that has been inspected under s 227E(1) is provided with inspection report signed by the MBS, within 10 business days of inspection	CBI	
s 228A(1)	Power to authorise a person to exercise all or any of the powers under Part 13 Division 2 where satisfied that the person to be authorised is appropriately qualified or has successfully completed appropriate training	N/A	
s 228A(3)	Power to authorise a person to exercise all or any of the powers under Part 13 Division 2 Subdivision 4 where satisfied that the person to be authorised is appropriately qualified or has successfully completed appropriate training	N/A	
s 228B(1)	Duty to issue documentation that complies with s 228B(4) to a person authorised by the MBS under s 228A	N/A	
s 234E(2)	Power to apply for an injunction	MPCC	
s.236(7)	Function of providing consent to remove or deface an order or notice put up under ss 236(4) or 236(4A)	CBI	Where the municipal building surveyor is the relevant building surveyor
s.238(1)	Power to rely on certificate by a registered building practitioner in a prescribed category, class of practitioners or an endorsed building engineer that building work or proposed building work of a prescribed class complies with any provision of the Building Act 1993 or the regulations	CBI	
sch 2, cl 2(1)	Power to require applicant to provide additional information or documents or to amend application	CBI	Where the municipal building surveyor

Building Act 1993

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	before dealing with or dealing further with application		is the relevant building surveyor
sch 2, cl 3(1)	Power to refuse application if additional information or document or amended application is not supplied within the time specified	CBI	Where the municipal building surveyor is the relevant building surveyor
sch 2, cl 3(2)	Duty to give applicant 30 days notice in writing of intention to refuse application	CBI	Where the municipal building surveyor is the relevant building surveyor
sch2, cl 4(1)	Duty to not decide an application that is required by this Act or regulations to be reported on or consented to, without obtaining report or consent from the reporting authority	CBI	Where the municipal building surveyor is the relevant building surveyor
sch 2, cl 4(2)	Duty to give copy of application to each reporting authority within prescribed time	CBI	Where the municipal building surveyor is the relevant building surveyor
sch 2, cl 4(3)	Duty to forward to a reporting authority with the copy of an application, any fees paid to the building surveyor under clause 1(e)	CBI	Where the municipal building surveyor is the relevant building surveyor
sch 2, cl 5(3)	Power not to obtain a report or consent from a reporting authority if the applicant notifies that they have applied for or intends to apply for that report or consent, or supplies a copy of the report made in the last 12 months or of the consent	CBI	Where the municipal building surveyor is the relevant building surveyor
sch 2, cl 6(1)	Power to proceed to decide an application without a report being obtained if a copy of the report is not supplied by the reporting authority (other than a Council or an officer of a Council) within the prescribed time	CBI	Where the municipal building surveyor is the relevant building surveyor
sch 2, cl 6A(2)	Power to proceed to decide an application without a report being obtained if a copy of the report is not supplied by a responsible authority under the Planning and Environment Act 1987 within the	CBI	Where the municipal building surveyor is the relevant building surveyor

Building Act 1993			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	prescribed time		
sch 2, cl 7(1)	Duty to consider any report of a reporting authority supplied under Schedule 2 before deciding the relevant application for a permit	CBI	Where the municipal building surveyor is the relevant building surveyor
sch 2, cl 7(2)	Duty to implement recommendations of a prescribed reporting authority in relation to a prescribed matter in deciding application	CBI	Where the municipal building surveyor is the relevant building surveyor
sch 2, cl 7(3)	Power to not implement any of the recommendations in a report by a reporting authority, except as provided under cl 7(2)	CBI	Where the municipal building surveyor is the relevant building surveyor

Building Regulations 2018			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 13(1)	Duty to determine the classification of a building when performing a function under the Act or the Regulations	CBI	Where the municipal building surveyor is the relevant building surveyor
r 13(2)	Duty to classify the building as belonging to the class it most closely resembles	CBI	Where the municipal building surveyor is the relevant building surveyor
r 25(3)	Power to reasonably require additional copies of documents set out in r 25(1)	MPCC, CBI	Where the municipal building surveyor is the relevant building surveyor
r 26(2)	Power to reasonably require additional copies of documents set out in r 26(1)	MPCC, CBI	Where the municipal building surveyor is the relevant building surveyor
r 27	Power to exempt an application for a building permit in respect of building work from any requirement under rr 25 or 26	CBI	Where the municipal building surveyor is the relevant building surveyor

Building Regulations 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 29	Power to request additional information to accompany application for permit	CBI	Where the municipal building surveyor is the relevant building surveyor
r 36A	Power to examine an extract of the major domestic building contract and a copy of the certificate of insurance	CBI	Where the municipal building surveyor is the relevant building surveyor
r 37(3)	Duty to include the things specified in rr 37(3)(a) and 37(3)(b) on the building permit	CBI	Where the municipal building surveyor is the relevant building surveyor
r 38	Duty to document determination of performance solution	CBI	Where the municipal building surveyor is the relevant building surveyor
r 39	Duty to provide copy of building permit	CBI	Where the municipal building surveyor is the relevant building surveyor
r 42	Function of being notified of changes by the owner of a building or land to which a building permit relates	CBI, PDOs	Where the municipal building surveyor is the relevant building surveyor
r 43	Function of being notified of any change in the name or address of the building practitioner specified in the permit	CBI, PDOs	Where the municipal building surveyor is the relevant building surveyor
r 47	Duty to provide information to the VBA in the approved form within 7 days after the end of each month	CBI	Where the municipal building surveyor is the relevant building surveyor
r 56	Duty to give notice of an imminent lapse of building permit – commencement of work	CBI	Where the municipal building surveyor is the relevant building surveyor
r 57	Duty to give notice of an imminent lapse of building permit – completion of work	CBI	Where the municipal building surveyor is the relevant building surveyor
r 58	Duty to cause a copy of the notice of imminent lapse of building permit to be provided	CBI	Where the municipal building surveyor is the relevant building surveyor

Building Regulations 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 59(1)	Function of receiving an application for an extension of the commencement date or the completion date of building work	CBI, PDOs	Where the municipal building surveyor is the relevant building surveyor
r 59(3)	Power to extend the commencement date or completion date of the building work	N/A	Where the municipal building surveyor is the relevant building surveyor
r 59(4)	Duty to notify the applicant if an extension is granted under r.59(3) without delay	CBI	Where the municipal building surveyor is the relevant building surveyor
r 60(1)	Function of receiving an application	CBI, PDOs	Where the municipal building surveyor is appointed by the relevant Council
r 62	Power to request more information	CBI	
r 63(1)	Power to refuse an application if information not provided	CBI	
r 63(2)	Duty, before refusing an application under r.63(1) to give the applicant 30 days notice in writing of the municipal building surveyor's intention to refuse the application	CBI	
r 64(1)	Power to determine or refuse to determine that a combined allotment can be treated as one allotment for the purposes of the Building Act 1993 and the Regulations	CBI	On receiving an application under r 60(1)
r 64(4)	Duty to give a copy of the determination to the applicant	CBI	
r 64(5)	Duty to notify the applicant of refusal to make a determination	CBI	
r 66(1)	Power to revoke a determination	CBI	

Building Regulations 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 66(2)	Duty to give each owner of land in the combined allotment written notice of the revocation	CBI	
r 111(1)	Power to determine if protection work is required	CBI	Where the municipal building surveyor is the relevant building surveyor
r 111(2)	Duty to determine whether protection work is required when deciding an application for a building permit in relation to proposed building work	CBI	Where the municipal building surveyor is the relevant building surveyor
r 111(3)	Power to, at any time, determine that protection work is required	CBI	Where the municipal building surveyor is the relevant building surveyor
r 111(5)	Duty to provide a copy of the determination within 7 days after making a determination under r 111	CBI	Where the municipal building surveyor is the relevant building surveyor
r 112	Duty to have regard to the items in rr 112(a) – 112(i) when determining if protection work is required	CBI	Where the municipal building surveyor is the relevant building surveyor
r 116(1)	Power to require precautions to be taken before and during building work to protect the safety of the public	CBI	Where the municipal building surveyor is the relevant building surveyor
r 116(2)	Duty to approve the precautions made under r 116(1)	CBI	Where the municipal building surveyor is the relevant building surveyor
r 117(1)(a)	Power to inspect and approve precautionary measures	CBI	Where the municipal building surveyor is the relevant building surveyor
r 117(1)(b)	Power to direct the hours during which any external wall on or within 3 m of a street alignment may be pulled down	CBI	Where the municipal building surveyor is the relevant building surveyor
r 117(1)(c)	Power to require protective outriggers to be installed	CBI	Where the municipal building surveyor is the relevant building surveyor

Building Regulations 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 117(2)	Power to exempt minor demolition work from the requirements of r 117(1)	CBI	Where the municipal building surveyor is the relevant building surveyor
r 118(2)	Power to exempt requirement that all water be removed or diverted from excavations before the laying of footings	CBI	Where the municipal building surveyor is the relevant building surveyor
r 119(1)	Power to require the owner of an allotment to provide retaining walls or other means of maintaining the stability of the soil	CBI	
r 120(1)	Power to require that the owner or builder carrying out building work, for which a building permit has been issued, arrange for the testing of any material used in the building work	CBI	Where the municipal building surveyor is the relevant building surveyor
r 120(2)	Power to, as a result of the tests, prohibit the use of any material which meets the criteria in rr 120(2)(a) and 120(2)(b)	CBI	Where the municipal building surveyor is the relevant building surveyor
r 121	Duty not to determine that a performance solution complies with a fire performance requirement of the BCA unless the municipal building surveyor meets the criteria in rr 121(a) – 121(h)	CBI	Where the municipal building surveyor is the relevant building surveyor
r 124(2)	Function of receiving a copy of the record prepared under r 124(1) from a registered building practitioner	CBI, PDOs	Where the municipal building surveyor is the relevant building surveyor
r 127(b)	Function of inspecting the records of all pile-driving operations	CBI	Where the municipal building surveyor is the relevant building surveyor
r 127(c)	Function of receiving the complete records of the pile-driving operations	CBI	Where the municipal building surveyor is the relevant building surveyor
r 128(2)(d)	Power to determine if used timber is suitable to be used for structural purposes	CBI	Where the municipal building surveyor is the relevant building surveyor

Building Regulations 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 129(3)	Duty to forward details of the installation of fire sprinklers to the chief officer when a building permit is issued which involves the installation of fire sprinklers and the installation does not meet the deemed-to-satisfy provisions of the BCA	CBI	Where the municipal building surveyor is the relevant building surveyor
r 131	Power to require a report from the relevant electricity supply authority as to whether an electricity sub-station is necessary on the allotment and, if so, the size and location of the sub-station	MPCC, CBI	Where the municipal building surveyor is the relevant building surveyor If an application is made for a building permit for the construction of a building
r 133	Power to approve the design of every stormwater drainage system to the point of discharge from an allotment	CBI	Where the municipal building surveyor is the relevant building surveyor
r 147Y(1)	Duty to issue a certificate of pool and spa barrier compliance and give the certificate to the owner of the land in which the swimming pool or spa is located if satisfied that the barrier complies with the applicable barrier standard	CBI	Where the municipal building surveyor is the relevant building surveyor
r 147Y(3)	Power to issue a certificate of pool and spa barrier compliance under r 147Y at any time	MPCC, CBI	Where the municipal building surveyor is carrying out functions under Part 8 or acting as an authorised person under s 228 of the Building Act 1993
r 147ZB(1)	Duty, on the completion of the building work, to inspect the barrier and determine if the barrier complies with the applicable barrier standard	CBI	Where the municipal building surveyor is the relevant building surveyor
r 147ZB(2)	Duty to issue a certificate of pool and spa barrier compliance in the form of Form 23 and give the certificate to the owner of the land on which the swimming pool or spa is located	CBI	Where the municipal building surveyor is the relevant building surveyor
r 147ZK(1)	Power to serve a barrier improvement notice in accordance with r 147ZK(2) on the owner of the	CBI	

Building Regulations 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	land on which the swimming pool or spa is located		
r 156	Duty to accept the bushfire attack level in the planning scheme or site assessment for planning permit	CBI	Where the municipal building surveyor is the relevant building surveyor
r 157	Duty to accept bushfire attack level of 12.5	CBI	Where the municipal building surveyor is the relevant building surveyor
r 166E	Power to inspect an emergency accommodation building	CBI	
r 166G(2)(a)	Power to notify the owner of the building that building does not comply with a requirement under r 166F(1)(a)	CBI	
r 166G(3)	Duty to give written notice to the owner of the building containing the matters set out in r 166G(3)(a) – (c)	CBI	
r 166G(4)	Function of receiving request to extend period of time	CBI	
r 166G(5)	Duty to notify owner of building of extended period of time	CBI	
r 165	Duty not to determine that a performance solution complies with performance requirement P2.7.6 of the BCA Volume Two unless the relevant building surveyor relies on one of the items set out in rr 165(a) – 165(d)	CBI	Where the municipal building surveyor is the relevant building surveyor
r 170	Power to omit a mandatory notification stage set out in r 167 for building work if that stage is not relevant to the building work	CBI	Where the municipal building surveyor is the relevant building surveyor
r 171	Duty to specify the mandatory notification stages for	CBI	Where the municipal building surveyor is

Building Regulations 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	building work determined under rr 167, 168, 169 and 170 in the building permit issued for that building work		the relevant building surveyor
r 172(1)	duty to cause to be inspected the building work in each storey of a Class 2, 3 or 4 building	CBI	where the municipal building surveyor is the relevant building surveyor
r 172(2)	Duty to cause to be inspected at least one of each type of fire protection method for each type of service penetration to any building element that is required to resist the spread of fire or smoke on each storey of a Class 2, 3, 4, 9a or 9c building	CBI	Where the municipal building surveyor is the relevant building surveyor
r 175	Duty to keep and make available directions to fix building work	CBI	Where the municipal building surveyor is the relevant building surveyor
r 191	Duty to decide an application to amend an occupancy permit within the time periods set out in rr 191(a) and 191(b)	CBI	
r 193	Duty to provide copy of an occupancy permit to the applicant within 7 days after issuing the permit	CBI	Where the municipal building surveyor is the relevant building surveyor
r 194(1)	Duty to ensure that an occupancy permit issued in relation to a building or place of public entertainment specifies the items set out in rr 194(1)(a) – 194(1)(c)	CBI	Where the municipal building surveyor is the relevant building surveyor
r 194(1)(b)	Power to determine the level of performance that each essential safety measure must achieve to fulfil its purpose	CBI	Where the municipal building surveyor is the relevant building surveyor
r 194(2)	Duty to specify the provision of the Regulations with which the installation and operation of the essential safety measure must comply, which sets out the frequency and type of inspection, testing and maintenance required for the essential safety measure	CBI	Where the municipal building surveyor is the relevant building surveyor

Building Regulations 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 198(1)	duty to ensure that a location approved within a building for the purposes of r 197 is in a prominent position and is accessible to the occupants of the building	CBI	Where the municipal building surveyor is the relevant building surveyor Subject to r 198(3)
r 198(2)	Duty to ensure that a location approved within a place of public entertainment for the purposes of r 197 is in a prominent position and is accessible to the public	CBI	Where the municipal building surveyor is the relevant building surveyor
r 199(2)	Power to request a copy of any current occupancy permit	MPCC, CBI	
r 201(1)	Duty to notify the chief officer within 10 days after issuing the certificate of the items set out in rr 201(1)(a) and 201(1)(b)	CBI	Where the municipal building surveyor is the relevant building surveyor
r 201(2)	Duty to notify the chief officer of the issue of the certificate within 10 days after issuing the certificate	CBI	Where the municipal building surveyor is the relevant building surveyor
r 205	Duty to supply information to Council	CBI	Where the municipal building surveyor is the relevant building surveyor
r 211(2)	Duty to have regard to the qualifications published under r 211(1)	CBI	Where the municipal building surveyor is the relevant building surveyor
r 214(b)	Power to designate an item as an essential safety measure	CBI	Where the municipal building surveyor is the relevant building surveyor
r 215(2)	Duty to determine and specify in the determination the items set out in rr 215(2)(a) – 215(2)(c)	CBI	Where the municipal building surveyor is the relevant building surveyor
r 218(2)	Duty to prepare or update a maintenance schedule so that it complies with r 222	CBI	Where the municipal building surveyor is the relevant building surveyor

Building Regulations 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 218(3)	Power to request documents, from the owner of a building or place of public entertainment, when preparing or updating a maintenance schedule under r 218(2)	MPCC, CBI	Where the municipal building surveyor is the relevant building surveyor
r 219(1)	Function of receiving an application for the preparation of a maintenance schedule that complies with r 222	CBI, PDOs	
r 219(2)	Function of receiving all documents referred to in r 225 relating to essential safety measures for the building or place	CBI, PDOs	
r 220	Power to prepare a maintenance schedule in relation to a building or place of public entertainment that complies with r 222	CBI	If the owner of the building or place has applied in accordance with r 219 for such a maintenance schedule to be prepared
r 221	Duty to provide a copy of the maintenance schedule to the owner of the building or place without delay	CBI	
r 225	Power to request documents relating to essential safety measures	CBI	
r 229(2)	Power to exempt a building or place of public entertainment from compliance with any of these Regulations applicable to the new use	N/A	
r 229(3)	Duty, when deciding whether to grant an exemption under r 229(2), to take into account the criteria set out in rr 229(3)(a) and 229(3)(b)	CBI	
r 231(2)	Power to exempt a building from all or any of the requirements of r 231(2)	CBI	
r 231(3)	Duty, when deciding whether to grant an exemption under r 231(2), to take into account the criteria set	CBI	

Building Regulations 2018

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	out in rr 231(3)(a) and 231(3)(b)		
r 233(3)	Power to consent to partial compliance of building work or an existing building with rr 233(1) or 233(2)	CBI	Where the municipal building surveyor is the relevant building surveyor Subject to r 233(6)
r 233(6)	Power to only consent to partial compliance in respect of the extension if the floor area of the extension is not greater than the lesser of those in rr 233(6)(a) and 233(6)(b)	CBI	Where the municipal building surveyor is the relevant building surveyor
r 234(2)	Power to consent to partial compliance of a building with r 234(1)	CBI	Where the municipal building surveyor is the relevant building surveyor
r 268	Power, when issuing a permit for building work referred to in s 24B(3) of the Building Act 1993, not to be required to be satisfied that the building work is to be carried out by a builder who is a registered building practitioner	CBI	Where the municipal building surveyor is the relevant building surveyor If the building work is to be carried out by a builder who is solely engaged in the business of constructing Class 10 buildings other than a Class 10b structure constructed for the purpose of displaying a sign