

> Building Permits For Businesses

Fact Sheet

A building permit is usually required before a business

can start any building works. Unlike other permits, it is not usually obtained through

your local council; instead it's done by engaging a private building surveyor.

WHEN DO I NEED A PERMIT?

There are two main reasons you need a building permit:

1. If you're changing the use of a building, e.g. turning a showroom into a restaurant or a shop into an office. This can impact safety regulations like the number of toilets and fire exits required.
2. If you're making structural changes (see examples in table below). This ensures all work is structurally sound and within regulations.

EXAMPLES OF WHETHER A BUILDING PERMIT IS REQUIRED

YES, you will need a permit	NO, a permit is not required*
When changing the use of a building, even if no building works are anticipated	Adding a small garden shed
When demolishing anything	Painting, adding cabinetry
When increasing or decreasing the floor area	Non-structural alterations which don't change the floor area or impact the essential safety measures
When changing the flow of traffic through the building	Adding a small sign (within limits)
When making changes to safety features like exit signs and sprinklers	Replacing windows of a similar size

* Assuming there is no Heritage Overlay. Generally a building permit is required for most works, however, exemptions and further information can be found on the Victorian Building Authority website.

HOW DO I GET A PERMIT?

You will need to appoint a private building surveyor. Most building permits are issued by private building surveyors.

By law, your builder cannot do this for you – it can only be done by the property owner or someone who has the owner's written authority, e.g. an architect or draftsman.

The building surveyor will issue the permits that allow building work to commence, and then stay involved for the duration of the work to ensure it complies with legal requirements. Once their inspections are complete, they also issue an occupancy permit or certificate of final inspection when the work is completed. This is the final document that confirms your building is deemed to be safe and sound and ready for your business to move in.

The easiest way to find a building surveyor is to search on the Victorian Building Authority – <https://www.vba.vic.gov.au/tools/find-practitioner>

AT WHAT STAGE DO I APPOINT A BUILDING SURVEYOR?

You should appoint a building surveyor after you have your building plans drawn up by an architect, draftsman or suitable designer.

These plans, and any other accompanying documents, must include enough detail for the building surveyor to be satisfied that the design will comply with the Building Act, Regulations and Building Code of Australia. Depending on the works or change of use, you may also need to engage specialist design professionals such as structural engineer, fire safety engineer, mechanical engineer, electrical engineer or sustainability consultant.

For more information, read the *Building Approval Process Fact Sheet*.



WHAT IS THE DIFFERENCE BETWEEN A BUILDING PERMIT AND AN OCCUPANCY PERMIT?

A building permit is required at the start, before certain building works can be undertaken.

An occupancy permit is related to how a building can be used, or occupied.

It comes at the completion of works, and confirms your building is suitable for occupation for a certain use.

However, an occupancy permit (unlike a building permit) may be required even if no works are proposed, for instance if your patron capacity is changing, or the use is changing.

Building Permits are required for most types of works.

Some works that require a building permit include:

- Structural alterations or works.
- An increase or decrease in the existing floor areas.
- Any work that impacts the safety of the public or occupiers of the building.
- Any work that adversely impacts an essential safety matter relating to the building.

Occupancy permit: The use permitted for a building is determined by the Occupancy Permit or where there is no occupancy permit as per approved building permit.

If there is a proposed change of use to the building, then an amended Occupancy Permit is required. Often a change of use will require additional works to comply with the new use; additional works will require a building permit. For example, a restaurant may have a higher number of patrons in it than a shop, and therefore need more toilets. These works would require a building permit. An amended Occupancy Permit is issued following the building permit for these works, and to allow for the use as a restaurant to legally commence on site.

If you are providing a like-for-like business, like a new restaurant where an old restaurant was, this will not trigger a 'change of use'. If there is no change of use and building works are proposed a building permit may be required.

You should always check the building classification and permitted use on the building permit and associated occupancy permit and if works require a building permit. If in doubt, contact your council for advice or engage the services of a Private Building Surveyor who can issue both an amended occupancy permit and building permit (where required).

