



Building permits for Fit Outs

Building permit requirements for fit out work apply to both new and existing buildings. The building permit sets out the approved use of the building and its classification under the Building Code of Australia (Building Code).

For information on occupancy permits for fit outs, please refer to Industry Bulletin 15 on the Building Commission website.

Building Permit requirements

Parts 2 and 5 of the *Building Act 2011* (the Act) set out the requirements for building permits and make clear the various circumstances in which building permits are not required. It is an offence under section 9 of the Act to do building work unless a building permit is in place, or the building work is exempt from such a requirement by one of the avenues provided for in Parts 2 or 5 of the Act. Refer to the examples in the 'Is a Building Permit Required?' table in this bulletin.

Does fit out work require a Building Permit?

Fit out work for existing or new buildings will require a building permit unless specifically exempted under the Act or the Regulations. Where the fit out work for a new building is not included in the plans and specifications for the base build (and therefore not covered by the building permit issued for this work), a separate building permit may be required at the time the fit out work is to be carried out.

Where a simple fit out is proposed and only movable furniture is being replaced or painting and decorating is being carried out, a building permit will generally not be required.

The main exemptions that may apply to fit out work in a building being renovated, altered or improved are listed in item 2 of clause 2 in Schedule 4 of the Regulations.

The permit authority may prosecute any builder who carries out unauthorised building work (such as building without a building permit when one was required). It is recommended that the permit authority be consulted if there is any doubt about whether a building permit is required.

Table 1

Is a Building Permit required?

Will the fit out work:

1. adversely affect the structural soundness of the building and include:

- an increase or decrease in the floor area or height of the building;
- underpinning or replacement of footings; or
- removal or alteration of any element that contributes to the support of another element?

Yes No

2. change the use or classification of the building?

Yes No

3. adversely affect the safety and health of the building's occupants or users?

Yes No

4. affect the way in which the building complies with each applicable building standard? Refer to the 'Examples of compliance with applicable building standards' section of this bulletin for clarification.

Yes No

5. affect other land by:

- encroaching on other land;
- adversely affecting that land;
- placing a protection structure on other land; or
- affecting party walls etc?
(Sections 76-79 of the Act)

Yes No

6. be subject to a heritage order, agreement or permit?

Yes No

If you answered 'no' to all of the above questions, a building permit is unlikely to be required.

If you answered 'yes' to any of the above questions, a building permit is likely to be required.

Examples of compliance with applicable Building Standards

Typically the deciding factor is item 4 in Table 1, i.e. will the fit out affect the way the building complies with each applicable building standard?

In most cases, proposed partitioning works for shop, office and warehouse fit outs will affect the way the building complies with an applicable Building Standard. For example:

- Fit out changes that affect the existing path of travel to a required exit will affect the way the building complies with the egress provisions of the Building Code.
- Changes to access requirements (accessible paths of travel, corridor widths, door widths and doorways etc.) affect the way in which the building complies with the access provisions of the Building Code.
- Partition alterations resulting in the relocation of, and/or changes to, existing services (sprinkler systems, fire hydrant coverage, smoke detection and alarm systems, emergency lighting and exit signs, mechanical ventilation systems etc.) will affect the way in which the building complies with fire services and equipment provisions of the Building Code.

In each of these examples, the fit out work would affect the way the building complies with each applicable building standard, so a building permit would be required. *Please note: this list of examples is not exhaustive.*

Does fit out work need to be carried out by a registered builder?

Registration as a building contractor is required when carrying out 'builder work'. Regulation 13 of the Building Services (Registration) Regulations 2011 defines 'builder work'. For information on whether you need to be a registered builder, please refer to the Building Commission's fact sheet *Do I Need to be a Registered Builder?* available from the Building Commission website.

While some fit out work may not require a fit out contractor to be a registered building contractor, there may still be a requirement to obtain a building permit. For example, although the value of the fit out work is under \$20,000, the work may affect the way in which the building complies with each applicable building standard, so a building permit would be required.

Disclaimer

The information contained in this bulletin is provided as general information only and should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

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