

Independent Third Party Review Implementation – Building Amendment Regulations 2021

Purpose

The purpose of this fact sheet is to provide stakeholders with details of the *Building Amendment Regulations 2021* which will commence on 31 January 2022, establishing the requirements for independent third party review (ITPR) of structural designs for significant and complex buildings. The amended *Building Regulations 1993* (Regulations) will be available after commencement at:

<https://legislation.nt.gov.au/Legislation/BUILDING-REGULATIONS-1993>

The ITPR process is consistent with a model developed by the Australian Building Codes Board and is endorsed by the Building Advisory Committee.

Key concept – Significant and complex building

This framework is based on criteria for buildings of medium complexity or higher according to a *definition of building complexity* developed by the Australian Building Codes Board (ABCB) which is intended to be included in the National Construction Code (NCC). When that occurs there is an intention to amend these Regulations again to refer directly to the NCC definition of building complexity.

A significant and complex building according to regulation 15AA(1) must meet 2 or more of criteria (a), (b), (c) or (d). Note that criteria (a) and criteria (d) each have 4 sub-criteria. Either criteria are met if a building meets any number of their sub-criteria.

15AA Meaning of *significant and complex building*

(1) A **significant and complex building** is a building that has 2 or more of the following characteristics:

(a) a building that is intended to be any of the following:

(i) a building with an effective height of more than 25 m;

(ii) a building designed to use one or more performance solutions to demonstrate compliance with a performance requirement that relates to material or systems to be used for structural safety;

(iii) a building designed to use one or more performance solutions to demonstrate compliance with a performance requirement that relates to material or systems to be used for fire safety;

(iv) located in an area prone to natural disaster or subject to environmental conditions that are adverse to construction of buildings;

(b) a building that is classified as a Class 2 building and that has 3 or more storeys;

(c) a building that is intended to be occupied by more than 100 people concurrently;

(d) a building that is intended to be used as premises of any of the following:

(i) a health service within the meaning of section 9 of the *Health Service Act 2021*;

(ii) a provider of services as defined in section 2(1) of the *Disability Services Act 1993*;

(iii) a childcare service;

(iv) a retirement village or aged care facility.

(2) In addition to subregulation (1), a significant and complex building includes a building that is classified as having Building Importance Level 4 under the Building Code.

(3) In addition to subregulation (1), the Minister may, by *Gazette* notice, determine a type of building to be a significant and complex building.

Key concept – Significant and complex building work

Schedule 2, column 2 of the Regulations specifies that any building that will be a significant and complex building or any significant and complex building work will require a report from an independent review engineer.

15AB Meaning of *significant and complex building work*

(1) **Significant and complex building work** is building work carried out as an alteration or modification to:

- (a) a significant and complex building; or
- (b) a building that, if completed, would make the building a significant and complex building.

(2) In addition to subregulation (1), the Minister may, by *Gazette* notice, determine a type of building work to be significant and complex building work.

Key concept – Independent review engineer

Schedule 2, column 1 of the Regulations specifies that an independent review engineer is a reporting authority. Building practitioners that meet the criteria below can apply to the Building Practitioners Board (BPB) for an endorsement and inclusion on a published list of practitioners able to be engaged as independent review engineers. The application to the BPB will need to include evidence of experience relevant to the structural design of significant and complex buildings.

15AC Meaning of *independent review engineer*

An **independent review engineer** is an individual:

- (a) who is a building practitioner registered as a Certifying Engineer (Structural); and
- (b) with a minimum of 10 years' experience as a Certifying Engineer (Structural) or 10 years' equivalent experience approved by the Practitioners Board; and
- (c) with the status of Chartered Professional Engineer recognised by Engineers Australia or an equivalent professional association.

ITPR – Matters to be reported on

Schedule 2, column 3 of the Regulations specifies the following matters are to be reported on by the independent review engineer:

Suitability of adopted design loads. The existence of appropriate load paths within the building. Review of drawings of the building. Review of the following primary and critical structural elements of the building:

- primary and critical footings;
- primary and critical columns;
- primary and critical load-bearing walls;
- primary and critical shear walls and other bracing elements;
- primary and critical roof beams and floor beams;
- transfer slabs;
- typical suspended slabs;
- any other primary or critical structural elements of the building that the independent review engineer considers relevant to the building certifier's decision on an application for a building permit.

Further Information

Further information including guidelines is available at: <https://nt.gov.au/property/building>

Contact Building Advisory Services for further information regarding this fact sheet:

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