



Victorian Consolidated Legislation

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Building Act 1993 - SECT 29A

Application for building permit for demolition

29A. Application for building permit for demolition

(1) If an application is made to the relevant building surveyor under this Act for a building permit for the demolition of a building on land and-

- (a) the demolition and all other demolitions completed or permitted in respect of the building within the period of 3 years immediately preceding the date of the application would together amount to the demolition of more than one half of the volume of the building as it existed at the date of the first building permit to be issued within that period for the demolition of any part of the building; or
- (b) the demolition is of any part of the facade of a building-

then the report and consent of the responsible authority under the Planning and Environment Act 1987 for the planning scheme relating to that land must be obtained to that application.

(2) The responsible authority as reporting authority must refuse its consent to an application to which subsection (1) applies if a planning permit is required for the demolition and has not been obtained but must not otherwise refuse its consent to the application.

(3) In this section-

facade means-

- (a) an external wall, including any verandah, balcony or balustrade or architectural feature attached to or forming part of an external wall; or
- (b) a part of a roof; or
- (c) a chimney- that faces a street and at least part of which is visible from the street it faces;

street includes road, highway, carriageway, square and court.

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Building Act 1993 - SECT 29B

Suspension of demolition permit pending amendment of planning scheme

29B. Suspension of demolition permit pending amendment of planning scheme

(1) If-

- (a) the report and consent of the responsible authority as reporting authority under section 29A has been sought in relation to an application for a building permit; and
- (b) during the prescribed time referred to in clause 6A(2) of Schedule 2-
- (i) an application is made to the Minister for an exemption under section 20(1) of the Planning and Environment Act 1987 in respect of an amendment to the planning scheme affecting the land; or
- (ii) if a request is made to the Minister to prepare an amendment to a planning scheme affecting the land and to exempt himself or herself under section 20(4) of the Planning and Environment Act 1987 from certain requirements in respect of that amendment- the responsible authority must give written notice without delay to the relevant building surveyor of the application or request.

(2) On receipt of a notice under subsection (1) the relevant building surveyor must suspend consideration of the application for the building permit.

(3) The responsible authority must give written notice to the relevant building surveyor without delay of-

- (a) the withdrawal of an application or request referred to in subsection (1) (b); or
- (b) the refusal of an application or request referred to in subsection (1) (b); or
- (c) the coming into operation of an amendment referred to in subsection (1) (b); or
- (d) the lapsing of an amendment referred to in subsection (1) (b).

(4) The prescribed time within which the relevant building surveyor must decide an application for a permit-

- (a) ceases to run at the time that notice affecting the application is received by the relevant building surveyor under subsection (1); and

- (b) recommences to run only when notice affecting the application is

received by the relevant building surveyor under subsection (3).

(5) If a notice of an amendment has been given to the relevant building surveyor under subsection (3)(c) the relevant building surveyor must, in considering under section 24 whether a building permit is consistent with any relevant planning permit, consider the requirements of the relevant planning scheme as amended by the amendment.

Division 5-Register and records

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