



Building Newsflash

Amendments to the Standard Building Regulation Notice of Reasons

Purpose

To provide advice on changes to the *Standard Building Regulation 1993* (SBR) requiring building certifiers to provide and the assessment manager to keep a notice of reasons when a development application involving building work has been decided using a performance based solution.

Background

The previous provisions of sections 26(1)(e) and 28(1)(a)(v) of the SBR required a building certifier to provide and the assessment manager to keep a list of reasons for giving an approval assessed against the performance provisions of the BCA, sections 11 and 12 of the Building Act and sections 16 and 17 of the Standard Building Regulation. The SBR did not give any detail as to what the list should contain other than that it had to be sufficient to respond to a request for reasons for giving the approval under the *Judicial Review Act 1991*.

Amendments to the Standard Building Regulation

On 1 July 2002, the SBR was amended to require a building certifier to provide and the assessment manager to keep a “notice of reasons” if the application relates to building work that uses a performance based solution.

A “notice of reasons” is defined in section 5 of the SBR as:

“a written notice that-

- (a) states-
 - (i) the performance standards on which the approval is based; and
 - (ii) how the building work complies with the performance standards; and
- (b) contains details of inspection or test results and other documents or information relied on to decide the application.”

The amendments to the SBR have been introduced to ensure that building certifiers maintain properly documented reasons for decisions. This will enable them to demonstrate that they have acted in the public interest when forming an opinion or making a decision.

It will also reduce the likelihood of building certifiers being found guilty of professional misconduct when audits are undertaken or complaints investigated by the accrediting body.

Contact Officer

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