

Owner builder regulations...

South Australia

Owner builders in South Australia do not have to attend any courses or provide any certificates.

Development Approval

A Development Approval is made up of at least two separate 'provisional' consents; a Development Plan consent and a Building Rules consent.

Development Plan consent is assessed against the zoning, policies and controls of the relevant Development Plan area, and is granted by your local council.

Building Rules consent is assessed against the provisions of the Building Rules (an edition of the Building Code of Australia with variations and additions specific to SA), and in some cases, Building Rules consent may be granted by a private certifier.

These provisional consents can all be processed at once as part of the Development Approval, or the application can be lodged in stages if there is a possibility that Development Plan consent may not be granted.

Once the Development Approval is issued, building work can go ahead.

An application for Development Approval will require:

- application form and fees
- plans and details
- technical plans of footings and structures
- technical specifications
- Certificate of Title for the property

The Environment Protection Act 1993 may impose additional restrictions such as the hours that work can be carried out, the location and use of noisy equipment, measures to reduce soil erosion and the removal of construction wastes from sites. Your local council may also have by-laws relating to noise levels, on-site burning, removal of refuse and use of council footpaths.

Within 10 days of completion of the building work, a signed Statement of

The legislation surrounding owner builders differs from state to state, and has changed a number of times over the last few years. We will attempt to cover some of the main points, state by state, over the next few issues.

Compliance must be submitted to your local council. A registered building work supervisor or a private certifier must sign the statement.

As an owner builder you are ultimately responsible for the building work. If you sell the building, legal action can be taken against you for a period of up to ten years from the date of completion of the building work. The Statement of Compliance establishes the start date of the ten-year period.

Additional constraints

Timeframe

Owner builders have 12 months from the date of Development Approval to start building work, and must be 'substantially' completed within 3 years. In some circumstances you can apply to extend the approval.

Licenses

Any person who carries on the 'business' of performing work for others (i.e. contractors) must have a building work contractors license, appropriate to the work they are performing. Ask to see their license, or check with the Office of Consumer and Business Affairs.

Contracts

There must be a signed contract for all domestic building work costing \$12,000 or more, detailing: roles and responsibilities, method and timing of payments, completion dates, and the extent of damages that can be claimed. Standard contracts are available from the Master Builders Association and the Housing Industry Association

Insurance

Licensed building work contractors must hold indemnity insurance for all domestic building work contracts costing \$12,000 or more, which covers non-completion of the work and/or failure to rectify the faulty work if the contractor dies, disappears or is declared bankrupt.

Public Liability insurance should be considered, to cover you against injury to the general public on site, or third party property damage. Also ask to be covered for Worker-to-Worker injury, should one sub-contractor injure another sub-contractor on your site.

Levy

Before the Building Rules consent can be issued, the project owner is required to pay the Construction Industry Training Levy. The levy totals 0.25% of the value of the building work to be undertaken, and must be paid on all building work where the estimated value exceeds \$15,000.

Useful resources

Office of Consumer and Business Affairs

08 8204 9644, www.ocba.sa.gov.au
To check registration details online, select >Online Services >Licensing public register.

Workcover SA

13 18 55, www.workcover.com

SafeWork SA

1300 365 255, www.safework.sa.gov.au

Construction Industry Training Board

08 8373 4744, www.citb.org.au

Environment Protection Authority

08 8204 2000, www.epa.sa.gov.au

Home Owners Warranty Insurance

1300 600 601, www.hiainsurance.com.au

Housing Industry Association (HIA)

08 8346 5091, www.hia.com.au

Service SA

Government information & services.
13 23 24, www.service.sa.gov.au

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Owner building regs in other states:
#131 - NSW, #132 - Vic,
#133 - Qld, #134 - WA.