

Mandatory Notifications



Last Updated September 15th 2015

The Development Act 1993 (the Act) specifies requirements for licensed builders and owner builders to notify Council when certain stages of building work are ready for Council inspection.

The Act also requires provision of a supervisor's roof framing checklist to Council at the roof framing notification stage.

Requirement to notify Council

On granting development approval Council will enclose a schedule of mandatory building notifications with the approval documents. This schedule will specify the stages of building work that you are required to notify Council of during construction.

Section 59 of the Development Act 1993 requires either the:

- licensed building work contractor responsible for the work

or

- the owner builder responsible for the work

to notify Council prior to commencing or completing a specified stage of building work.

Responsibilities of property owners

Owners who engage a licensed building work contractor

If you engage a licensed building work contractor to perform the building work on your behalf, you will be responsible for providing Council with details of the licensed building work contractor before construction commences.

You will also be required to provide Council a copy of the certificate of building indemnity insurance before construction commences. The

licensed building work contractor should provide you with a copy of this certificate before commencing construction.

Once you have engaged a licensed building work contractor they will be responsible for notifying Council at the commencement/completion of specified stages of building work, and for providing Council with the supervisor's checklist relating to the roof framing at framing notification stage (see page 2).

Owner builders

If you perform building work on your own behalf you will be considered the owner builder for that project.

As an owner builder, you are responsible for ensuring Council is notified at the commencement or completion of specified stages of building work. You are also responsible for ensuring Council is provided with the supervisor's checklist relating to the roof framing at framing notification stage (see page 2).

You may also be required to engage a licensed building work supervisor if you are constructing a class 1 building, or undertaking building work to an existing class 1 building.

If you are required to engage a licensed building work supervisor you must, before commencing construction, provide Council with the supervisor's name, licence details and contact details.

Mandatory notifications are required for the following stages of work:

- 1 business days' notice of the commencement of building work on site;
- 1 business days' notice of the intended completion of any stage of work specified by Council by notice in writing to the building owner on or before development approval is granted;*

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- 1 business days' notice of the completion of all roof framing forming part of the building work;
- 1 business days' notice of completion of the building work.

**The City of Marion will, on granting a development approval, include a notice specifying the stages of work to notify to Council.*

The above notifications may not apply to all building types. It is therefore important that you read your development approval documents to determine when you will be required to notify Council. If you are unsure, please phone the City of Marion's Development and Regulatory Services Department on 8375 6685.

The City of Marion's process for mandatory notifications

Under Regulation 74 of the Development Regulations 2008, a mandatory notification may be given to Council by:

- leaving a written notice with an authorised officer of the Council; or
- posting it to Council; or
- faxing it to Council; or
- telephoning Council; or
- email Council.

Alternatively you may submit notifications online - our preferred method!

Notifying Council using our online forms is the quickest and easiest way of notifying Council.

Submitting your notification online will also ensure you are provided with a receipt **number** as evidence that you have notified Council, ensuring you cannot be fined.

These on-line forms can be found on the City of Marion website at www.marion.sa.gov.au

Faxed notifications can be faxed to Council on **(08) 8375 6899**.

Emailed notifications should be sent to: **mandatorynotifications@marion.sa.gov.au**

The individual providing the notification must include the name, address and telephone number of both the owner and the builder of the development.

Supervisor's Roof Framing Checklist

Under Regulation 74 (5) of the Development Regulations 2008, the person who gives the notice of completion of the roof framing must provide to Council, within one (1) business day after the notice is given, a duly completed supervisor's checklist relating to the roof framing.

In general, the supervisor's roof framing checklist must be submitted to Council for:

- all new class 1-9 buildings containing timber roof framing or light steel roof framing;
- additions/modifications to class 1-9 buildings that involve the construction/modification of timber or light steel roof framing;
- class 10 buildings that are attached to the roof framing of a building of another class (e.g. attached verandahs and carports).

The checklist must be signed by a registered building work supervisor who has completed the appropriate training required by the South Australian Government.

If you are a building owner who engages a licensed building work contractor to perform the building work, the responsibility will be with the building work contractor to provide the supervisor's checklist. However you should ensure the building work contractor has the appropriate license and qualifications to be able to sign the checklist and act on your behalf.

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If you are an owner builder you will be responsible for providing the duly completed supervisor's checklist to Council. It is your responsibility to engage a registered building work supervisor to inspect the roof framing and complete the checklist. You must also ensure that the registered building work supervisor has the appropriate license and qualifications to be able to sign the checklist.

A copy of the supervisor's roof framing checklist is available from the City of Marion's website and Development and Regulatory Service counter.

Consequences of failing to notify Council or provide the supervisor's roof framing checklist

If Council does not receive a mandatory notification or supervisor's roof framing checklist in accordance with legislative requirements, Council can take action against the person responsible for the work. Council is empowered to:

- issue a \$500.00 fine to the owner or builder;
- issue a "stop work" notice under Section 84 of the Development Act 1993; or
- refer the matter to the Environment Resources and Development Court for prosecution where the Court has the power to impose a penalty of up to \$10,000.

Completion of construction

At the completion of construction the licensed building work contractor or the person responsible for the work must notify Council that the building work is complete.

For class 1 to 9 buildings, Council must also be provided with a signed copy of the "Statement of Compliance" in accordance with Regulation 83AB of the Development Regulations 2008. Part A of

the statement must be completed by the licensed building work contractor or licensed building work supervisor. Part B of the statement must be completed by the property owner.

Council may also require other documentation at the completion of construction, such as evidence of compliance with conditions of approval, engineer's reports or amended plans.

Want to Know More?

The above information is advisory only. It is intended to provide a guide and a general understanding of the key points associated with the particular topic. It is not a substitute for reading the Development Act 1993, Development Regulations 2008 and other relevant legislation.

It is recommended that if you are intending to undertake development, you seek professional advice or contact the Council for any specific enquiries or for further assistance concerning the use and development of land.

Contact Details - City of Marion Development and Regulatory Services Division

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Sturt SA 5047

PO Box 21
Oaklands Park SA 5046

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Website <http://www.marion.sa.gov.au>