

CERTIFIED BUILDING SOLUTIONS NEWSLETTER

September 2009

REMINDER ABOUT THE REQUIREMENT FOR SURVEY CERTIFICATES

Regular CBS clients will be aware that we have previously brought to your attention the issues relating to the provision of Survey Certificates.

Recently, at least one builder operating in Canberra has been the subject of action by ACT Planning and Land Authority (ACTPLA) under the *Construction Occupations (Licensing) Act* as a result of floor levels not being in accordance with approved plans. The builder has spent a lot of time and energy dealing with the impacts of ACTPLA's action. Knowing that our clients would wish to avoid this circumstance, we believe it is timely to remind you of your responsibilities in this regard.

The relevant sections from the Building Act are:

Section 42 – Requirements for carrying out building work.

Clause 42(1)(d) – building work for which an approved plan is required must be carried out in accordance with the approved plans.

And

Section 43 – Stages of building work.

Clause 43(2) – A building licensee in charge of building work must not do

building work above dampcourse level (other than further building work exempted under subsection (1)(b)) unless-

(a) the certifier has received-
(i) a plan (a **survey plan**) signed by a registered surveyor stating the position of the building in relation to the boundaries of the parcel of land where the building is to be erected and stating the level that the floor or floors of the building will have in relation to a level stated in the approved plans;

The *Planning and Development Act 2007* has introduced a number of tolerances to allow for minor variations from approved plans, which enables amended plans to be approved by the certifier. Please note, however, there are no tolerances under the *Building Act 2004*.

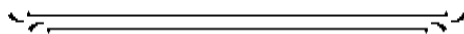
To ensure our clients are not exposed to disciplinary action under Government legislation or possible civil action, we recommend the following:

1. If the finished floor level on a Survey Certificate does not match that on the approved plans or if there are any other changes to the approved plans, an amended plan is required. Please note that to comply with Section 43, *Building Act 2004* the Survey Certificate has to be provided to the building certifier at damp

proof course (DPC) level and prior to further work being undertaken.

2. If you need to submit an amended plan this must be done PRIOR to construction

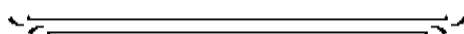
commencing on that part of the work. The amended plan then becomes part of the overall approval.



DEVELOPMENT APPLICATION EXEMPTIONS

In April 2009 the ACT Government revised the coverage of buildings that could be considered for Development Application (DA) exemptions under the Residential Zones – Single Dwelling Housing Development Code. Initially only applying to single dwellings in new suburbs, all building projects relating to single residential properties now fall under the scope of the code. This means that building projects on any single residential property, regardless of suburb and whether it is a new or existing residence, may be DA exempt. The nature of the project can include knock-down/rebuild, extensions, renovations, pergolas, swimming pools, garages, sheds and retaining walls etc.

For the project to be exempt it must satisfy ACTPLA's Residential Zones – Single Dwelling Housing Development Code (Exempt Development Guide, March 2009) and, if applicable, the Estate Development Plan (lease and development conditions). However, if your plans satisfy the Estate Development Plan but not all of the Single Dwelling Housing Development Code it may still be exempt. Your architect can provide advice on whether the plans are exempt from DA. If your development is not exempt you need to obtain a DA from ACTPLA.



ADDITIONS TO THE CBS TEAM

Two people have recently joined our team at CBS.

Craig Sharwood has joined us as a Principal Building Surveyor. Craig has over 17 years in the building industry, working as a certifier in the public and private sector since 2001. Having worked predominantly in NSW and Victoria, Craig brings a new perspective to our certification services, in particular knowledge of legislation, regulations and building practices in other jurisdictions.

Candice Seddon has joined us as an Assessment Officer (DA exemptions), working Monday to Wednesday. Candice is an architectural draftsman with 5 years experience in the building industry. Candice's strengths in building design, drafting and energy assessments enable her to bring a technical discipline to her work in DA exemption assessment.