

SOUTH AUSTRALIA

BUILDING REGULATIONS 1991

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REGULATIONS UNDER THE BUILDING ACT 1971

Building Regulations 1991

being

No. 67 of 1991: *Gaz.* 6 June 1991, p. 1789¹

as varied by

No. 267 of 1991: *Gaz.* 19 December 1991, p. 1978²

No. 69 of 1992: *Gaz.* 4 June 1992, p. 1639³

No. 109 of 1993: *Gaz.* 17 June 1993, p. 1998⁴

No. 272 of 1993: *Gaz.* 9 December 1993, p. 2895⁵

- ¹ Came into operation 17 June 1991: reg. 2.
- ² Came into operation 2 January 1992: reg. 3(2).
- ³ Came into operation 30 June 1992: reg. 2.
- ⁴ Came into operation 1 July 1993: reg. 2.
- ⁵ Came into operation 9 December 1993: reg. 2.

2.

PART I
PRELIMINARY

Citation

1. These regulations may be cited as the *Building Regulations 1991*.

Commencement

2. These regulations will come into operation on 17 June 1991.

Revocation

3. All regulations previously made under the *Building Act 1971* are revoked.

Transitional provisions

4. (1) Compliance with the requirements of Parts 10 to 55 of the revoked regulations is to be treated as compliance with the requirements of the Building Code in relation to—

(a) proposed building work the subject of an application for approval made under the Act before 1 July 1992;

and

(b) building work performed, or a building or structure erected or altered, in accordance with an approval given under the Act on an application made before 1 July 1992.

(1a) Compliance with the requirements of Parts 10 to 55 of the revoked regulations is to be treated as compliance with the requirements of the Building Code in relation to—

(a) proposed building work for the erection or alteration of a Class 1 or 10a building or structure the subject of an application for approval made under the Act on or after 1 July 1992 but before the relevant day;

and

(b) building work performed, or a building or structure erected or altered, in accordance with an approval given under the Act on an application referred to in paragraph (a).

(2) Subregulation (1) or (1a) does not apply in relation to any building work or proposed building work unless the whole of the building work or proposed building work complies with the requirements of Parts 10 to 55 of the revoked regulations.

(2a) For the purposes of subregulation (1) or (1a)—

(a) the provisions contained in Parts 10 to 55 of the revoked regulations;

and

(b) any other provisions of the revoked regulations on which the meaning or operation of those provisions depend,

continue to have effect.

3.

(2b) For the purposes of subregulation (1a) in relation to an application for approval made after 1 July 1993, a reference in the revoked regulations to an Australian Standard referred to in column 1 of the table below is to be read instead as a reference to the corresponding Australian Standard referred to in column 2 of the table:

Column 1 <i>Old standard</i>	Column 2 <i>New standard</i>
1288-1979 "S.A.A. Glass Installation Code"	1288 1989 Glass in buildings— Selection and Installation (SAA Glass Installation Code)
1428-1977 "Code of Practice for Design Rules for Access by the Disabled"	1428 1993 Design for Access and Mobility Part 1 General requirements for access—buildings
1530 Part 4-1985 "Fire Resistance Test of Structures"	1530.4 1990 Fire-resistance tests on elements of building construction
1538-1974 "S.A.A. Cold-formed Steel Structures Code"	1538 1988 Cold-formed Steel Structures Code
1562-1980 "Design and Installation of Metal Roofing"	1562.1 1992 Design and installation of sheet roof and wall cladding— metal
1639-1974 "Design and Installation of Corrugated Asbestos Cement Roofing"	1639 1990 The design and installation of corrugated fibre- reinforced cement roofing and wall cladding
1668 Part 1—1979 and 1668 Part 2—1980 being collectively known as "S.A.A. Mechanical Ventilation and Air Conditioning Code"	1668 The use of mechanical ventilation and air conditioning in buildings Part 1 1991 Fire and smoke control Part 2 1991 Mechanical ventilation for acceptable indoor-air quality
1684 1979 "S.A.A. Timber Framing Code"	1684 1992 National Timber Framing Code
1860—1976 "Code of Practice for the Installation of Particleboard Flooring"	1860 1991 Installation of particle board flooring
2049—1977 "Terra Cotta Roofing Tiles"	2049 1992 Roof tiles
2050—1977 "Code of Practice for Fixing of Terra Cotta Roofing Tiles"	2050 1989 Fixing of roofing tiles

4.

2918—1987 "Domestic Solid-Fuel Burning Appliances—Installation"

2918 1990 Domestic solid-fuel burning appliances—Installation

3700—1989 "S.A.A. Masonry Code"

3700 1988 Masonry in Buildings (SAA Masonry Code).

(3) A building or structure erected before the commencement of these regulations continues to have the classification applying to it immediately before the commencement of these regulations until a change in its classification is approved pursuant to these regulations.

(4) In this regulation—

"**the relevant day**" means a day fixed by the Minister for the purposes of regulation 106 of the *Development Regulations 1993* (see *Gazette* 27 October 1993 p. 1954) by notice in the *Gazette*.

Interpretation

5. (1) In these regulations—

"the Act" means the *Building Act 1971*:

"the Building Code" means the Building Code of Australia 1990 edition published by the Australian Uniform Building Regulations Co-ordinating Council, as amended by the Council up until 1 July 1993, and as modified by the variations and additions for South Australia contained in the appendix to the Code for South Australia up until 1 July 1993:

"calculations" means structural, mechanical or other calculations:

"essential safety provisions" means—

- (a) in relation to a building or structure erected or altered after the commencement of these regulations—any safety systems, equipment or other provisions required under Section E of the Building Code to be installed as part of the building work for the erection or alteration of the building or structure;

or

- (b) in relation to a building or structure erected or altered after the commencement of the Act but before commencement of these regulations—any safety systems, equipment or other provisions required under Part 59 of the revoked regulations to be inspected, tested or maintained in good working order or submitted to the council and any log books required to be maintained and kept:

"the Fire Authority"—

- (a) in relation to any part of the State where the South Australian Metropolitan Fire Service has responsibility for the provision of fire-fighting services—means the South Australian Metropolitan Fire Service;

5.

(b) in relation to any other part of the State—means the Country Fire Service:

"independent technical expert", in relation to a matter in respect of which a certificate may be lodged with the council in connection with building work, means a person who—

(a) is not the owner or an employee of the owner;

(b) is not and has not been personally involved in performing any of the building work or the work of preparing details, particulars, plans, drawings, specifications or calculations in connection with the building work or application for approval of the building work;

and

(c) has engineering or other qualifications that the council is satisfied qualify the person to give a certificate in respect of the matter:

"Minister's Specification" means a specification as from time to time issued by the Minister for the purposes of these regulations:

"the revoked regulations" means the regulations revoked by regulation 3 of these regulations.

(2) For the purposes of the definition of "building work" in section 6 of the Act, work of a kind specified in schedule 1 is declared not to be building work.

(3) Unless the contrary intention appears, a reference in these regulations to a standard or other document prepared or published by a prescribed body is a reference to the standard or document as in force at the time that these regulations are made.

(4) A reference to these regulations includes a reference to the Building Code adopted by these regulations.

(5) Where an expression used in these regulations is not defined in the Act or these regulations, the expression has, for the purposes of these regulations, the meaning (if any) assigned by the Building Code.

Note: For definition of divisional penalties see Appendix 2.

Adoption of the Building Code

6. The Building Code is adopted by these regulations.

6.

PART II

APPROVAL OF PROPOSED BUILDING WORK AND CLASSIFICATION OF BUILDINGS

DIVISION I—APPROVAL OF PROPOSED BUILDING WORK

Application for approval

7. (1) An application for approval of building work must—

- (a) be made in the form set out in form 1 of schedule 4;
- (b) be accompanied by such documents, certificates and opinions as are required by this Division;

and

- (c) be accompanied by the appropriate fees calculated in accordance with Division III of Part V.

(2) An application for approval of the erection of a building or structure must incorporate an application for assignment of a classification to the building or structure in the form set out in form 1 of schedule 4.

(3) An application for approval of the alteration of a building or structure to enable the building or structure to be used for a purpose not appropriate to its classification must incorporate an application for a change in the classification of the building or structure in the form set out in form 1 of schedule 4.

Documents to accompany application

8. (1) An application for approval of building work (other than an application for approval of building work consisting of or involving the demolition or removal of a building or structure, or part of a building or structure or for approval of building work in stages) must be accompanied by two copies of—

- (a) a site plan, drawn to a scale of not less than 1:500, showing—
 - (i) the boundaries and dimensions of the site and any relevant easements;
 - (ii) the positions and dimensions of any proposed building or structure and its relationship to the boundaries of the site and any other features such as other buildings or structures or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed;
 - (iii) the purpose for which any existing building or structure on the site is used and for which any proposed building or structure on the site is intended to be used;
 - (iv) the levels of the site and of the floors of the proposed building or structure in relation to any street drainage channel or council drain;

7.

and

(v) the method of drainage and services proposed to be used;

(b) drawings showing—

(i) a dimensioned plan of each floor level, drawn to a scale of not less than 1:100;

(ii) dimensioned elevations and sections of the proposed building or structure, drawn to a scale of not less than 1:100;

(iii) the sizes and locations of structural members, drawn to a scale of not less than 1:100;

and

(iv) such other details as may be necessary, drawn to a scale of not less than 1:20;

(c) specifications describing materials and workmanship and, where not indicated on the drawings referred to in paragraph (b), such other information as may be necessary to show that the building work will, if performed in accordance with the specifications and drawings, comply with the Act and these regulations;

and

(d) calculations or reports to show that the building work will, if performed in accordance with the calculations and reports, comply with the Act and these regulations.

(2) An application for approval of building work consisting of or involving the demolition or removal of a building or structure, or part of a building or structure, must be accompanied by two copies of—

(a) a description in writing of the construction of the building or structure or relevant part to be demolished or removed;

(b) a site plan showing the location of the building or structure in relation to the boundaries of the site and any other features such as other buildings or structures or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed;

(c) where only part of a building or structure is to be demolished or removed, calculations or other information in writing to show that the remainder of the building or structure will comply with the Act and these regulations, either as the building or structure remains after the proposed demolition or removal takes place, or after other building work is performed;

and

(d) a description in writing of the demolition procedure.

8.

(3) An application for approval of building work consisting of or involving an alteration to a building or structure must, if—

(a) the applicant is applying for a change in the classification of the building or structure to a classification other than Class 1 or 10;

or

(b) the building or structure was erected before the commencement of the Act and the applicant is applying for a classification other than Class 1 or 10 to be assigned to the building or structure,

be accompanied by two copies of such details, particulars, plans, drawings, specifications and other documents (in addition to the other documents required to accompany the application) as the council may reasonably require to show that the entire building or structure will, on completion of the building work, comply with the requirements of the Act and these regulations for a building or structure of the classification applied for or with so many of those requirements as will ensure that building or structure is safe and conforms to a proper structural standard.

Approval in stages

9. (1) The owner of land on which a major building or structure is proposed to be erected may, with the consent in writing of the council, apply for approval of the building work in the following stages:

- (a) assignment of a classification to the proposed building or structure;
- (b) siting of, excavation and filling for, and general arrangements of, the building or structure;
- (c) construction of the substructure;
- (d) construction of the superstructure.

(2) An application for approval of building work in stages must—

(a) in the case of an application for assignment of a classification to the proposed building or structure, be accompanied by two copies of—

- (i) a broad sketch plan of the land comprising the site, to a scale of not less than 1:500, showing adjoining public places and the position on the site of all existing and proposed buildings and structures;

and

- (ii) conceptual elevational drawings of the proposed building or structure showing its relation to the ground levels of the site;

(b) in the case of an application for approval of siting of, excavation and filling for, and general arrangements of, a proposed building or structure, be accompanied by two copies of—

9.

- (i) a site plan, drawn to a scale of not less than 1:500, showing—
 - (A) the boundaries and dimensions of the site and any relevant easements;
 - (B) the positions and dimensions of any proposed building or structure and its relationship to the boundaries of the site and any other features such as other buildings or structures or trees on the site or on adjoining land or public places that might be affected by the work or affect the work proposed to be performed;
 - (C) the purpose for which any existing building or structure on the site is used and for which any proposed building or structure on the site is intended to be used;
 - (D) the levels of the site and of the floors of the proposed building or structure in relation to any street drainage channel or council drain;and
 - (E) the method of drainage and services proposed to be used;
 - (ii) elevational drawings of the proposed building or structure showing its relation to the ground levels of the site;
- and
- (iii) plans and specifications showing the extent of excavation or filling to be carried out;
- (c) in the case of an application for approval of construction of the substructure of a building or structure, be accompanied by two copies of—
- (i) the documents referred to in regulation 8(1)(b), (c) and (d) (but relating to the substructure only);
 - (ii) such other documents as may be necessary to enable the extent of the superstructure to be determined;
- and
- (iii) details in writing of any foundation investigation carried out;
- (d) in the case of an application for approval of the construction of the superstructure of a building or structure, be accompanied by two copies of the documents referred to in regulation 8(1)(b), (c) and (d).

Certificate of building indemnity insurance

10. (1) In this regulation—

"certificate of insurance", in relation to domestic building work, means the certificate required under Division III of Part V of the *Builders Licensing Act 1986* evidencing the taking out of a policy of insurance in accordance with that Division in relation to that work:

"domestic building work" means building work—

(a) that is to be performed by a builder under a domestic building work contract as defined in section 4 of the *Builders Licensing Act 1986*;

and

(b) in relation to which a policy of insurance is required to be taken out in accordance with Division III of Part V of that Act.

(2) The owner of land on which domestic building work is to be performed must ensure that a certificate of insurance in relation to that work is lodged with the council—

(a) where the domestic building work contract for that building work has been entered into before lodgement of application for approval of the building work—together with the other documents required to accompany the application for approval;

or

(b) in any other case—on or before the giving of notice under regulation 42 of commencement of the building work.

Certificate of independent technical expert in respect of certain matters

11. (1) This regulation applies to details, particulars, plans, drawings or specifications relating to—

(a) materials and forms of construction to which Part B1 of the Building Code applies;

or

(b) the fire main or smoke control systems and other matters to which Part E1 or E2 of the Building Code applies.

(2) For the purposes of section 9(2a) of the Act, the surveyor or the council may accept as complying with the Act and these regulations, or approve, details, particulars, plans, drawings or specifications to which this regulation applies lodged with an application for approval of building work if the owner lodges with the council in support of the application a certificate signed by an independent technical expert—

(a) certifying that the materials, forms of construction and systems to which the details, particulars, plans, drawings or specifications relate will, if installed or carried out in accordance with the details, particulars, plans, drawings or specifications, comply with the requirements of the Building Code;

11.

and

- (b) setting out in detail the basis on which the certificate is given and the extent to which the person giving the certificate has relied on relevant tests, specifications, rules, standards, codes of practice or other publications.

Notice under s. 9(2b)—prescribed time

12. For the purposes of section 9(2b) of the Act, the prescribed time is 60 days from the date of service of a notice under that section.

Fire Authority opinion and certificate

13. (1) Where an application for approval of building work is made in respect of a proposed building or structure that is required by these regulations—

- (a) to be equipped with a booster assembly for use by the Fire Authority;

or

- (b) to have installed in it a fire alarm that transmits a signal to a fire station,

the application for approval must also be accompanied by a certificate of the Fire Authority certifying that the proposed fire fighting and detection facilities comply with the provisions of the Act and these regulations.

(2) Where—

- (a) an application for approval of building work is made in respect of a building or structure in relation to which the owner proposes to use means of fighting fire or controlling smoke that are not in accordance with these regulations;

and

- (b) a notice under section 27 of the Act is lodged with the council in respect of that proposal,

the owner must furnish the council with an opinion in writing from the Fire Authority as to whether the proposed means of fighting fire or controlling smoke will be adequate for fighting fire or controlling smoke in the building or structure.

(3) Where an application for approval of building work is made in respect of a building or structure that the council is not satisfied will comply with the provisions of the Act and these regulations relating to the fighting of fire or control of smoke in the building or structure, the council must refer the application to the Fire Authority for its opinion as to whether the building or structure will comply with those provisions.

Withdrawal of application

14. (1) An applicant for approval of building work may, by notice in writing to the council, withdraw the application.

12.

(2) If an application for approval of building work is withdrawn, the council may refund to the applicant such part of any fees paid in respect of the application as the council considers appropriate.

Council to return copy of approval of building work to applicant

15. The council must return to a successful applicant for approval of building work a copy of the technical details, particulars, plans, drawings, specifications and other documents lodged by the applicant pursuant to regulation 8 or 9, stamped or otherwise endorsed with the council's approval.

Copy of approval of building work to be available on site

16. The owner of land on which building work is to be performed must ensure that a copy of the technical details, particulars, plans, drawings, specifications and other documents approved by the council are available on the site while persons are present at the site engaged in performing the building work.

DIVISION II—CLASSIFICATION OF BUILDINGS

Application for assignment of classification or change in classification where no building work proposed

17. (1) The owner of a building or structure erected before the commencement of the Act to which a classification has not been assigned may apply to the council for assignment of a classification to the building or structure.

(2) An application under subregulation (1) or an application for a change in the classification of a building or structure must—

(a) be in the form set out in form 1 of schedule 4;

and

(b) be accompanied by—

(i) the appropriate fee calculated in accordance with Division III of Part V;

and

(ii) such details, particulars, plans, drawings, specifications and other documents as the council may reasonably require to show that the building or structure complies with the requirements of the Act and these regulations for a building or structure of the classification applied or with so many of those requirements as will ensure that the building or structure is safe and conforms to a proper structural standard.

(3) This regulation applies only in relation to an application for assignment of a classification to, or a change in the classification of, a building or structure in relation to which no building work is proposed.

Assignment of classification

18. (1) Where an application for assignment of a classification to, or a change in the classification of, a building or structure is made in connection with an application for approval of building work, the council must, on approving the proposed building work as complying with the requirements of the Act and these regulations for a building or structure of the classification applied for, assign that classification to the building or structure.

(2) Where an application is made for assignment of a classification to, or a change in the classification of, a building or structure in relation to which no building work is proposed, the council must assign the classification applied for to the building or structure if satisfied that the building or structure complies with the requirements of the Act and these regulations for a building or structure of that classification or with so many of those requirements as will ensure that the building or structure is safe and conforms to a proper structural standard.

Use of certain buildings and structures prohibited unless certificate of classification issued

19. The owner must not use, or permit the use of, a building or structure, or part of a building or structure, that—

(a) has been erected or altered after the commencement of the Act;

and

(b) is of a class other than Class 1 or 10,

unless a certificate of classification has been issued under these regulations or the revoked regulations in relation to the building or structure or the part of the building or structure to be used.

Owner to submit to council certain certificates prior to classification

20. (1) Where an application for assignment of a classification to, or a change in the classification of, a building or structure is made in connection with an application for approval of building work, the council must not issue a certificate of classification in relation to the building or structure unless—

(a) in the case of a building or structure referred to in regulation 13(1), the owner first submits to the council a certificate from the Fire Authority certifying that the building or structure has fire fighting and fire detection facilities that comply with the provisions of the Act and these regulations;

(b) in the case of a building or structure to which Division I of Part V applies, the owner first submits to the council—

(i) in relation to each of the essential safety provisions for the building or structure, a certificate of compliance with essential safety provisions in the form set out in form 4 of schedule 4 signed by the installer of the safety provisions or, where the installer is a company, by the manager responsible for the installation work;

and

- (ii) a plan of the building that has marked on it the location of each essential safety provision installed in the building.

(2) The owner must ensure that a copy of a plan referred to in subregulation (1)(b)(ii) is kept at the site of the building or structure at all times.

Issue of certificate of classification

21. (1) Subject to these regulations, where, on approving proposed building work, the council assigns a classification other than Class 1 or 10 to the building or structure, the council must issue a certificate of classification to the owner on completion of the building work if satisfied that the building work has been performed in accordance with the approval given by the council.

(2) Where, on an application for assignment of a classification to, or a change in the classification of, a building or structure in relation to which no building work is proposed, the council assigns a classification other than Class 1 or 10 to the building or structure, the council must at the same time issue a certificate of classification for the building or structure to the owner.

(3) Where the building work for the erection or alteration of part of a building or structure has been completed, the council must, on application by the building owner, issue a certificate of classification in relation to that part if satisfied—

- (a) that the building work in respect of that part has been performed in accordance with the approval given by the council;

and

- (b) that—

- (i) in the case of a building of more than one storey—the requirements of Minister's specification SA 21 have been complied with;

or

- (ii) in any other case—the part of the building or structure is safe for occupation or use.

(4) Where, in approving proposed building work, the council or surveyor accepted as complying with the Act and these regulations, or approved, details, particulars, plans, drawings or specifications as a result of the lodgment of a certificate of an independent technical expert under regulation 11(2), the council may, if it thinks fit, refuse to issue a certificate of classification in relation to the building or structure unless a further certificate of an independent technical expert is lodged with the council under regulation 48 certifying that the building work to which the previous certificate related has been performed in accordance with the approval given by the council.

(5) The council must not issue a certificate of classification unless satisfied—

- (a) in the case of a building or structure that is required under the Act and these regulations to be connected to a public electricity source—that the electrical wiring complies and has been installed in accordance with the requirements of the relevant public electricity supply authority;
- (b) in the case of a building or structure that is required under the Act and these regulations to be connected to a public water supply—that the water pipes, fittings and appliances comply and have been installed in accordance with the requirements of the relevant public water supply authority;
- (c) in the case of a building or structure that is required under the Act and these regulations to be connected to the public sewer—that the fixtures, appliances, pipes and fittings for disposal of sewage and sullage comply and have been installed in accordance with the requirements of the relevant public sewerage authority;

or

(d) in the case of a building or structure that is required under the Act and these regulations to be connected to a public telecommunications system—

- (i) that conduits or pipes from the public street to the first cable terminal point in the building or structure;

or

- (ii) that lines in the building or structure that connect or will connect to the public telecommunications system,

comply and have been installed in accordance with the requirements of the relevant telecommunications authority.

(6) For the purposes of subregulation (5), the connection of the electrical, water, sewerage or telecommunication services installed in the building or structure to the public service by the relevant supply authority is to be taken as proof of the matters referred to in paragraph (a), (b), (c) or (d) of that subregulation.

(7) Where—

- (a) further building work is performed on a building or structure in respect of part of which the council has previously issued a certificate of classification;

and

- (b) the council is not satisfied that the further building work has been performed in accordance with the approval given by the council,

the council may revoke that certificate if the council considers that occupation or use of that part of the building or structure has as a result been rendered unsafe.

Classification where building work not approved

22. Where the owner of a building or structure in respect of which building work has been performed without the approval of the council applies to the council for assignment of a classification to, or for a change in the classification of, the building or structure, the council may—

- (a) on being satisfied by the applicant that the building or structure complies with the requirements of the Act and these regulations for a building or structure of the classification applied for or with so many of those requirements as will ensure that the building or structure is safe and conforms to a proper structural standard;

and

- (b) on payment of any amount recoverable by the council under section 38(5) of the Act,

assign to the building or structure the classification applied for and issue the appropriate certificate of classification.

Certificate of classification

23. A certificate of classification must be prepared in duplicate in the form set out in form 2 of schedule 4.

Revocation of certificate of classification on change of classification or approval of classification in stages and issue of new certificate

24. (1) Where the council approves a change in the classification of a building or structure, the council must, before issuing a new certificate of classification in respect of the building or structure, revoke any certificate of classification previously issued in respect of the building or structure.

(2) Where the council has issued a certificate of classification in respect of part of an uncompleted building or structure, the council must revoke that certificate before issuing a certificate of classification on completion of the building work in respect of the building or structure or the building work in respect of some other part of the building or structure.

Notification of disapproval of classification

25. If the council refuses to assign to a building or structure the classification applied for by the owner or to approve the change of classification of a building or structure applied for by the owner, the council must give notice in writing to the owner stating the reasons for its refusal.

PART III

BUILDING SURVEYORS

Delegation of powers of surveyor

26. For the purposes of section 19(1) of the Act, the council may confer on an officer of the council the following powers and duties of a building surveyor:

- (a) any power conferred or duty imposed on a building surveyor by or under Part V of the Act;

or

- (b) any other power conferred or duty imposed on a building surveyor by or under the Act (other than by or under Part IV or V of the Act) where the power is exercised or the duty discharged with respect to—

- (i) any building or structure that has a rise of one storey;
 - (ii) any Class 1 building or structure that has a rise not exceeding two storeys;
- or
- (iii) any Class 10 building or structure,

in relation to which calculations are not required to be examined by the council.

Qualifications of building surveyors and building inspectors

27. (1) A person cannot be appointed—

- (a) to the office of building surveyor unless—

- (i) he or she holds a certificate of registration as a building surveyor;
- or
- (ii) the appointment has been approved by the Minister;

- (b) to the office of building inspector unless—

- (i) he or she holds a certificate of registration as a building inspector;
- or
- (ii) the appointment has been approved by the Minister.

(2) For the purposes of subregulation (1)—

"certificate of registration" means a certificate of registration issued by the Local Government Qualifications Committee pursuant to the *Local Government (Qualifications) Regulations 1984* (see *Gazette* 23 August 1984 p. 648), as varied.

PART IV

BUILDING ACT REFEREES

Remuneration of referees

28. (1) For the purposes of section 31 of the Act, a referee is entitled to receive from the council—

- (a) \$100 for the hearing of a matter;
- (b) where a referee is required to travel more than 100 kilometres from his or her usual place of business or home to hear a matter—reasonable expenses incurred for travel.

(2) For the purposes of subregulation (1), any time spent in any inspection or investigation by a referee in connection with a matter is to be taken to have been spent by the referee in hearing the matter.

Fee under s. 32

29. For the purposes of section 32 of the Act, the appellant or applicant in a matter to be heard and determined by referees must, before the hearing of the matter, pay to the council a fee of \$200.

Declaration by referee

30. For the purposes of section 33 of the Act, a referee must, before commencing to act, make the following declaration, to be administered by a Judge of the Supreme Court, a person holding office under the *Local and District Criminal Courts Act 1926*, or a magistrate:

"I, (state full name) do solemnly and sincerely declare that I will diligently, faithfully and impartially execute the duties of a referee under the *Building Act 1971*".

PART V

MISCELLANEOUS

DIVISION I—MAINTENANCE OF ESSENTIAL SAFETY PROVISIONS

Application and interpretation

31. (1) This Division applies in relation to a building or structure in which essential safety provisions are installed or required to be installed under the Act and these regulations or the revoked regulations.

(2) In this Division, a reference to maintenance in respect of essential safety provisions includes a reference to replacing the safety provisions and to the keeping of records relating to the carrying out of maintenance work on the safety provisions.

Schedule of essential safety provisions

32. The council must—

- (a) on granting its approval for the erection or alteration of a building or structure to which this Division applies;

or

- (b) on application by the owner of a building or structure to which this Division applies and payment of a fee of \$25,

issue a schedule in the form set out in form 3 of schedule 4 that specifies—

- (c) the essential safety provisions for the building or structure;

and

- (d) the Australian or other Standards or requirements for maintenance and testing in respect of each of those provisions as set out in Minister's Specification SA 32.

Occupation of certain buildings and structures

33. The owner must not use or permit the use of a building or structure to which this Division applies unless maintenance and testing have been carried out in respect of each essential safety provision of the building or structure in accordance with Minister's Specification SA 32 as in force at the time of approval of the building work in the course of which the essential safety provision was installed or at the commencement of these regulations, whichever is the later.

Proof of maintenance of essential safety provisions

34. (1) The owner of a building or structure in relation to which a schedule of essential safety provisions has been issued must, as soon as practicable after the end of each calendar year, provide to the council adequate proof of the carrying out of maintenance and testing in respect of those safety provisions for that calendar year as required under regulation 33.

(2) An owner complies with subregulation (1) if a certificate in the form set out in form 5 of schedule 4 and signed by the owner or the manager of the building or structure is lodged with the council certifying that maintenance and testing have been carried out in respect of the essential safety provisions of the building or structure for the relevant calendar year as required under regulation 33.

DIVISION II—HEALTH AND AMENITY

Interpretation

35. In this Division—

"public sewer" means the undertaking within the meaning of the *Sewerage Act 1929*.

Treatment and disposal of sewage and sullage

36. (1) The owner of a building or structure must ensure that all sewage and sullage discharged from the building or structure is treated and disposed of in such a manner that the sewage or sullage does not endanger the health of any person or affect the foundation of any building or structure on the site.

(2) A person will be taken to have complied with subregulation (1) if—

(a) the building or structure is connected to the public sewer;

or

(b) sewage or sullage discharged from the building or structure is treated in a system on the site and disposed of in a manner approved by the Central Board of Health.

Installation of fixtures, appliances, etc., for the disposal of sewage and sullage from a building or structure not connected to a public sewer

37. (1) A person must not install, or permit the installation of, any fixture, appliance, pipe or fitting for the disposal of sewage and sullage to be discharged from a building or structure by means other than discharge into the public sewer.

(2) Subregulation (1) does not apply if the fixture, appliance, pipe or fitting is approved by, and the proposed method of installation complies with the requirements of, the Central Board of Health.

DIVISION III—FEES

Calculation of fee on application for approval of building work or classification of a building or structure

38. (1) The fee payable on application for approval of building work or assignment of a classification to, or a change in the classification of, a building or structure is to be calculated in accordance with—

(a) in the case of a building or a structure that has a floor area—the following formula:

$$F = 0.0025 \times CI \times A \times CF;$$

or

- (b) in the case of a structure that does not have a floor area—the following formula:

$$F = 0.0025 \times CI \times S \times CF,$$

where—

- F is the fee (in dollars) payable
- CI is the construction index determined by the Minister from time to time and set out in the Schedule of Construction Indices published in the *Gazette*
- A is the prescribed floor area
- S is the projected area of the largest side or plane of the structure
- CF is the complexity factor.

- (2) For the purposes of subregulation (1)—

- (a) the prescribed floor area is—

- (i) for the purpose of calculating the fee on application for approval of building work that consists of the erection of a building or structure or the demolition of a building or structure—the aggregate of the floor areas of the building or structure proposed to be erected or demolished;
- (ii) for the purpose of calculating the fee on application for approval of building work that consists of an alteration to a building or structure—
- (A) the aggregate of the floor areas of the rooms or compartments to be altered;
- or
- (B) where the alteration consists of the fixing or erection of an attachment that does not have a floor area—the floor area of the building or structure within a distance of 3m of where the attachment is to be fixed or erected;
- (iii) for the purpose of calculating the fee on application for assignment of a classification to, or a change in the classification of, a building or structure—the aggregate of the floor areas of the building or structure;

- (b) the floor area of a building or structure is to be measured over any enclosing walls and is to include the area of the floor of any fully or partly covered carport, portico, verandah, balcony, porch or other similar structure attached or to be attached to the building or structure;
- (c) where a building or structure is without storeys, or has a storey of a height of more than 10m, the floor area is to be calculated as if the building or structure contained floors at 10m intervals, measured vertically;

- (d) a building or structure is to be taken not to have any floor area if it is principally of open framework or web construction or solid construction and without any fully or partly enclosed space intended for occupation or use by persons.

(3) For the purposes of subregulation (1), the "complexity factor" is—

- (a) except as below—1.0;
- (b) for building work for the erection or alteration of a building or structure that exceeds six storeys—1.3;
- (c) for building work for the erection or alteration of a building or structure that contains an atrium—1.3;
- (d) for building work for the erection or alteration of a building or structure that contains an arcade exceeding 40m in length—1.3;
- (e) for building work that consists solely of the demolition of a building or structure—0.2;
- (f) for assignment of classification or a change in classification where no building work is proposed—0.8.

(4) Where a building or structure is made up of parts that have different construction indices, the fee payable for approval of building work, assignment of classification or a change in classification is the aggregate of the fees calculated in accordance with this regulation for those parts.

(5) Subject to subregulation (6), where an application for the approval of building work for the erection or alteration of a building or structure incorporates an application for the assignment of a classification to, or a change in the classification of, the building or structure, one fee is payable in respect of the applications, being whichever of the fees for those applications that is of the greater amount.

(6) Where the council consents to receive an application for approval of building work in stages, the following fees are payable:

- (a) for assignment of classification to the building or structure—5 per cent of the fee payable for approval of the total building work;
- (b) for approval of the siting of, excavation and filling for, and general arrangements of, the building or structure—25 per cent of the fee payable for approval of the total building work;
- (c) for approval of construction of the substructure—20 per cent of the fee payable for approval of the total building work;
- (d) for approval of construction of the superstructure—the fee payable for approval of the total building work less any fees paid for stages approved within 12 months preceding the application for approval of construction of the superstructure.

(7) Notwithstanding anything in this regulation, the minimum fee for approval of building work, assignment of classification or a change in classification is \$25.00.

Reduction of fees for approval of building work or classification of a building or structure

39. (1) If of the opinion that the circumstances of a case justify a reduction in the fees payable in respect of an application for approval of building work, assignment of classification or a change in classification, the council may reduce the fees to such an amount, being not less than the minimum fee prescribed in regulation 38, as the council considers appropriate.

(2) Without limiting the effect of subregulation (1), where on an application for approval of building work the council accepts or approves details, particulars, plans, drawings or specifications without further examination or approval as a result of the lodgment of a certificate of an independent technical expert, the council may reduce the fee payable in respect of the application by such an amount as the council considers appropriate in view of the nature and extent of the matters to which the certificate relates.

Fees for application for approval of altered details, particulars, etc., previously submitted to council for approval

40. (1) Where the owner submits an application for approval of an alteration or modification of any technical details, particulars, plans, drawings and specifications previously submitted to the council for approval, the fee payable for approval of the alteration or modification is the fee that would have been payable if those details, particulars, plans, drawings and specifications had been submitted with the original application for approval of building work.

(2) The council may, if of the opinion that it is justified in the circumstances of the case, reduce or remit payment of a fee payable under subregulation (1).

Fee for notice under s. 27

41. A person who lodges with the council a notice under section 27(1) of the Act must pay to the council at the time of lodgment a fee of \$64.

DIVISION IV—GENERAL

Notice of commencement of building work

42. (1) Except as otherwise determined by the council, the owner of land on which building work is to be or is being performed must give the building surveyor—

- (a) three working day's notice of the commencement of building work on the site;
- (b) one working day's notice of the commencement of any of the following:
 - (i) treatment of a foundation;
 - (ii) placing of concrete in any footing or other structural member that transfers load directly to a foundation or in any pile or caisson;
 - (iii) the lowering of any assembled or partly assembled transportable building onto its supports;
 - (iv) the placing of any precast, prefabricated or other pile or caisson that transfers load directly to a foundation;

24.

- (v) a load test on a foundation;
- (vi) a load test on the substructure of a building;
- (vii) a load test on the superstructure of a building;
- (viii) any other stage of the building work specified by the council by notice in writing to the owner;

(c) one working day's notice of completion of building work on a swimming pool.

Building Code: seismic zones

43. For the purposes of clause SA B1.2(b)(B) of the Building Code, the seismic zone applicable to a locality is as set out in schedule 2 for the relevant council area.

Building Code: bushfire prone areas

44. For the purposes of clause SA Part G5 of the Building Code, a building is in a bushfire risk area if it is in an area set out in schedule 3.

Building work affecting adjoining owner: s. 49

45. For the purposes of section 49(1) of the Act—

(a) building work that consists of or involves—

- (i) excavation to a depth greater than 600mm or filling;

or

- (ii) the erection of a building or structure on filling,

is building work of a prescribed nature;

and

(b) building work is to be treated as affecting the stability of other land or premises (whether or not that other land or premises adjoins the building owner's site or adjoins other land or premises) if—

$$AC > \frac{BC}{2}$$

where—

AC is the distance between A and C

BC is the distance between B and C or twice the maximum depth or height of the excavation or filling, whichever is the lesser

25.

A is—

- (i) in the case of an excavation—any point on the internal surface of the excavation;
- (ii) in the case of filling on which no building or structure is to be erected—any point on the external surface of the filling;
- (iii) in the case of filling on which a building or structure is to be erected—any point on the base of the building or structure

B is—

- (i) in the case of an excavation or of filling on which a building or structure is to be erected—the point 600mm vertically below the point that is at ground level on the boundary of the other land or premises and closest to A;
- (ii) in the case of filling on which no building or structure is to be erected—the point that is at ground level on the boundary of the other land or premises and closest to A

C is the point at which a line drawn vertically from A intersects the horizontal plane extending from B.

Documents to be preserved by the council

46. (1) For the purposes of section 59(1)(c) of the Act, the following documents are prescribed:

- (a) all technical details, particulars, plans, drawings, specifications and other documents relating to building work approved by the council;
- (b) all certificates, opinions and other documents submitted to the council in connection with an application for approval of building work;
- (c) the duplicate of any certificate of classification issued by the council;
- (d) a copy of any schedule of essential safety provisions issued by the council;
- (e) a copy of any certificate submitted to the council under regulation 20(1)(b)(i) during the preceding six years;
- (f) a copy of any plan submitted to the council under regulation 20(1)(b)(ii).

(2) The council must preserve any site plan and any documents referred to in subregulation (1)(c), (d), (e) and (f) until the building or structure to which the plan and those documents relate is demolished or removed.

Inspection of documents preserved by the council pursuant to s. 59

47. A person may, with the consent of the council or the owner of the building or structure to which the documents relate, inspect at the offices of the council during ordinary office hours any document preserved by the council pursuant to section 59(1) of the Act.

Proof of compliance with approval of council

48. For the purposes of these regulations, where the building owner has lodged with the council a certificate signed by an independent technical expert certifying that building work has been performed in accordance with an approval of the council, the council may, on the recommendation of the surveyor, without further examination accept the building work as having been so performed.

Proof of compliance with Building Code

49. Where—

(a) a current Certificate of Accreditation that applies in this State;

or

(b) a Standards Mark Certificate given by Standards Australia in respect of a standard published by the Standards Association of Australia and referred to in the Building Code,

is submitted to the council as evidence that a material or method of construction meets the level of performance prescribed by the Building Code, the council must accept the Certificate as proof of compliance with the Code.

Standards and other documents referred to in the Building Code: prescribed bodies

50. For the purposes of section 61(4)(a) of the Act, the following bodies are prescribed:

(a) the Minister;

(b) the Standards Association of Australia;

(c) the Commonwealth Scientific and Industrial Research Organization;

(d) the National Building Technology Centre;

(e) the International Scientific Organization;

(f) the American Institute of Steel Construction Incorporated;

(g) the American Society of Testing Materials.

Offices where Building Code, etc., may be inspected by members of the public

51. For the purposes of section 61(5)(c) of the Act, the offices at which a copy of the Building Code and each standard and other document referred to in the Building Code and these regulations must be kept are the offices of the Minister.

Provision of access for people with disabilities—alterations of a prescribed kind

52. For the purposes of clause 4(a) of the schedule of transitional provisions to the Act, the following alterations to a building or structure erected or constructed before 1 January 1980 are alterations of a prescribed kind—

- (a) any alteration of a structural nature to a principal or other entrance to the building or structure;

or

- (b) the construction of, or any building work incidental to the construction of, or any alteration of a structural nature to, a public foyer, entrance hall, lift lobby or toilet.

Offence to sign or lodge false or misleading certificates

53. A person must not sign a certificate for lodgement with the council for the purposes of the Act or these regulations, or lodge such a certificate with the council, knowing that a statement contained in the certificate is false or misleading in a material respect.

General offence

54. A person who contravenes or fails to comply with these regulations is guilty of an offence.

Penalty: Division 7 fine.

SCHEDULE 1

Work declared not to be building work for the purposes of the Act

1. The installation of, or any alteration of or addition to any building or structure that is necessary for or incidental to the installation of, any—

- (a) individual wall, window or domestic floor—mounted air handling unit;
- (b) ceiling or roof fan or fan coil section of air-conditioning systems not exceeding 100kg and installed within the ceiling space;

or

- (c) exhaust fan,

that does not encroach on a public street or affect the ability of the building or structure in which it is installed to resist the spread of fire.

2. The installation of, or the alteration of any building or structure or the making of any excavation or filling that is necessary for or incidental to the installation of, electrical, gas, water, sewage and sullage or telecommunications services (including appliances and fittings) the installation of which requires the approval of an authority other than the council.

3. Any alteration to a building or structure that—

- (a) does not involve demolition of any part of the building or structure;

and

- (b) will not adversely affect the structural soundness of the building or structure or the safety of any person occupying or using it.

4. The erection, construction, underpinning, alteration of, addition to or demolition of, or the making of any excavation or filling for or incidental to the erection, construction, underpinning, alteration of, addition to or demolition of, any of the following:

- (a) non-habitable outbuildings (including the drainage of the roofs of such outbuildings) such as—
 - (i) aviaries;
 - (ii) cycle sheds;
 - (iii) fowl houses;
 - (iv) fuel sheds;
 - (v) green houses;
 - (vi) hot houses;
 - (vii) kennels;
 - (viii) pigeon lofts;
 - (ix) shade houses;

29.

- (x) tool sheds;
 - and
 - (xi) other like building or structures,
- that have a total floor area not exceeding 10m² and no part higher than 2.5m above the ground;
- (xi) water tanks that have a total floor area not exceeding 10m² and no part higher than 4m above the ground;
- (b) pergolas associated with a Class 1 building (whether attached to the building or freestanding)—
- (i) that do not have a roof;
 - (ii) each freestanding side of which is open;
- and
- (iii) no part of which is higher than 4m above the ground;
- (c) temporary builder's offices, sheds, stores and other like buildings or structures that—
- (i) are located at ground level;
- and
- (ii) are totally within the site;
- (d) windmills, non-load bearing aerials, antennae, masts, towers and other like structures of open framework or web construction or flagpoles that—
- (i) are detached from a building or structure and do not exceed 10m in height;
- or
- (ii) are attached to a building or structure but do not exceed 4m in height above the top-most point of attachment, exclusive of guy wires;
- (e) swimming pools that have a maximum capacity not exceeding 9 000 litres;
- (f) spas that have a maximum capacity not exceeding 680 litres;
- (g) incinerators that are detached from a building or structure and do not exceed 0.5m³ in overall volume;
- (h) fences (other than safety fencing for swimming pools that are approved or required to be approved for construction after 1 July 1993)—
- (i) that are of open wire or tubular construction;
 - (ii) that are of masonry construction and of a vertical height (measured from the lower of the two adjoining finished ground levels) not exceeding 1m;
- or

30.

- (iii) that are of any other construction and of a vertical height (measured as set out in subparagraph (ii)) not exceeding 2m;
- (i) retaining walls that retain a difference in ground levels of not more than 1m;
- (j) dams.

SCHEDULE 2

BUILDING CODE, CLAUSE SA B1.2: SEISMIC ZONES

Zone A The whole of the areas of the following councils:

- DC Central Yorke Peninsula
- DC Coonalpyn Downs
- C Elliston
- C Franklin Harbour
- DC Northern Yorke Peninsula
- DC Le Hunte
- DC Meningie
- DC Minlaton
- DC Mount Gambier
- CC Mount Gambier
- DC Naracoorte
- CT Naracoorte
- DC Penola
- DC Port MacDonnell
- CT Wallaroo
- DC Warooka
- CC Whyalla
- DC Yorketown

Zone 1 The whole of the areas of the following councils:

- CC Adelaide
- DC Angaston
- DC Barossa
- DC Beachport
- DC Blyth-Snowtown
- CC Brighton
- CC Burnside
- DC Burra Burra
- DC Bute
- CC Campbelltown
- DC Carrieton
- DC Clare
- DC Cleve
- DC Crystal Brook-Redhill
- DC Dudley
- DC East Torrens
- CC Elizabeth
- CC Enfield
- DC Eudunda
- CT Gawler
- CC Glenelg
- DC Gumeracha
- DC Hallett
- CC Happy Valley
- CC Henley and Grange
- CT Hindmarsh
- DC Jamestown
- DC Kapunda
- CC Kensington and Norwood
- DC Kimba

DC Kingscote
DC Lacepede
DC Lincoln
DC Light
DC Lucindale
DC Mallala
DC Mannum
CC Marion
DC Millicent
CC Mitcham
DC Morgan
DC Mount Barker
DC Mount Pleasant
DC Mount Remarkable
CC Munno Para
DC Murray Bridge
CC Noarlunga
DC Onkaparinga
DC Orroroo
CC Payneham
DC Peterborough
CT Peterborough
DC Pirie
CC Port Adelaide
CC Port Augusta
DC Port Broughton
DC Port Elliot and Goolwa
CC Port Lincoln
CC Port Pirie
CC Prospect
DC Ridley
DC Riverton
DC Robe
DC Robertstown
DC Rocky River
DC Saddleworth and Auburn
CT St. Peters
CC Salisbury
DC Spalding
DC Stirling
DC Strathalbyn
DC Tanunda
CC Tea Tree Gully
CT Thebarton
DC Truro
DC Tumby Bay
CC Unley
DC Victor Harbor
DC Wakefield Plains
CT Walkerville
CC West Torrens
DC Willunga
CC Woodville
DC Yankalilla

33.

Zone 2 The whole of the areas of the following councils:

DC Hawker

DC Kanyaka-Quorn

SCHEDULE 3

BUILDING CODE, CLAUSE SA G5.101: BUSHFIRE RISK AREAS*Mount Lofty Ranges Bushfire Risk Area*

1. The whole of the areas of the following councils:

DC Angaston	DC Port Elliot and Goolwa
DC Barossa	DC Stirling
DC East Torrens	DC Strathalbyn
DC Gumeracha	DC Tanunda
DC Mount Barker	DC Victor Harbor
DC Mount Pleasant	DC Yankalilla
DC Onkaparinga	

2. That portion of—

- (a) the area of the City of Munno Para east of the western edge of the Hills Face Zone;
 - (b) the area of the City of Salisbury east of the western edge of the Hills Face Zone;
 - (c) the area of the Corporation of the City of Tea Tree Gully east of the western edge of the Hills Face Zone;
 - (d) the area of the Corporation of the City of Campbelltown east of the western edge of the Hills Face Zone;
 - (e) the area of the Corporation of the City of Burnside east of the western edge of the Hills Face Zone;
 - (f) the area of the City of Mitcham east of the western edge of the Hills Face Zone between the boundary of the Corporation of the City of Burnside and its intersection with section 13, then west along the northern edge of sections 13 and 36, then south along the western edge of sections 36, 35, 34, 33, 32, 31, 30 and 625;
 - (g) the area of the Corporation of the City of Happy Valley east of a line from the boundary of the Corporation of the City of Happy Valley with the City of Mitcham along the western and southern edges of section 1561, then south along the western edge of sections 21, 22 and 23 to the intersection with Black Road, then along the north-eastern boundary of Black Road to its intersection with Oakridge Road, then along the north-eastern boundary of Oakridge Road to the intersection with the Hills Face Zone in section 794, then along the western boundary of the Hills Face Zone to the boundary of the Corporation of the City of Happy Valley with the Corporation of the City of Noarlunga;
 - (h) the area of the Corporation of City of Noarlunga east of the western edge of the Hills Face Zone from the boundary of the Corporation of the City of Noarlunga with the Corporation of the City of Happy Valley to its intersection with the southern edge of section 687, then in a straight line easterly to the intersection of the Hills Face Zone at the north-east corner of section 12, then along the western edge of the Hills Face Zone to the boundary of the Corporation of the City of Noarlunga with the District Council of Willunga;
- and
- (i) the area of the District Council of Willunga east of the western edge of the Hills Face Zone.

SCHEDULE 4

Form 1

Building Act 1971

City/Town/District Council Ref. No.

***APPLICATION FOR APPROVAL OF PROPOSED BUILDING WORK
AND/OR *ASSIGNMENT/APPROVAL OF CHANGE
OF CLASSIFICATION**

*I/We,

.
(name(s) of owner(s))

of

.
(address(es) of owner(s) and telephone no(s))

being the *owner/owners of

.
(description of site on which the building work is to be carried out)

lot no. at

.
(number and name of street, suburb or town or Section no.)

Hundred of *apply for:*

***PART I—Approval of building work**

1. Approval to carry out the following building work, described in the plans, specifications and other documents submitted herewith¹:

.
.
.

(general description of building work and the proposed use of the relevant building or structure—use descriptive terms such as "private dwelling house", "block of residential units", "row of lock up shops", "two storey office building", "clothing factory", "steel framed workshop", "additions to dwelling", "demolition of a building", and so on.)

*Name and address of builder²

*Builders' licence no.

*Date of building contract

*Documentation submitted with this application was prepared by
 (name)

of

 (address and telephone no.)

If the council has consented to receive applications for approval of building work in stages, state the stages for which approval is now sought:

.

Estimated cost of the building work \$

*PART 2—Classification or change of classification

2. Assignment of the following classification

 (classification number or numbers)

*The present classification number(s) is/are

 (classification number or numbers)

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees, and whether change facilities are required:

Male Female Change facilities: *YES/NO

If a Class 9a classification is sought, state the number of persons for whom accommodation is provided

If Class 9b classification is sought, state the proposed number of occupants of the premises

In the case of an existing building or structure, state its present or last known use

.....

.....

Signed Date

.....

(*owner(s)/person(s)
authorized by the owner(s))

(* Strike out whichever is inapplicable)

NOTES: (Where approval of building work is sought)

1. Plans and specifications must be signed by the owner or a person authorized by the owner.
2. If a builder has not been selected at the time of the application for approval of building work, the owner must, within seven days of selecting a builder, advise the council of the builder selected.
3. Where a domestic building work contract has been entered into before lodgement of this application, the owner must lodge a certificate of indemnity insurance (as required under the *Builders Licensing Act 1986*) with this application. In any other case, the owner must lodge a certificate of indemnity insurance with the council on or before giving notice of commencement of the building work.

38.

Form 2

Building Act 1971

Certificate No.

CERTIFICATE OF CLASSIFICATION

Municipality or District Council of

*Building work approval application no.

*Classification assignment/approval application no.

This is to certify that the council has approved of the classification of the *building/structure situated

at
(description of site)

lot no. at

.....
(number and name of street and suburb or town or Section number)

Hundred of as a *building/structure of the *class/classes specified below.

Storey or part of *building/structure	Maximum legal number of occupants pursuant to the Building Code	Class or classes of *building/structure
---------------------------------------	---	--

(*Strike out whichever is not applicable)

Signed Date
(Building Surveyor)

NOTE:

1. It is an offence against the *Building Act 1971* for the owner to use the above building or structure, or part of the above building or structure, or permit it to be used, for purposes other than those purposes appropriate to its classification or classifications.

2. This Certificate of Classification is not to be taken to imply classification of the building or structure under the *Planning Act 1982* or the *City of Adelaide Development Control Act 1976*.

39.

Form 3

Building Act 1971

SCHEDULE OF ESSENTIAL SAFETY PROVISIONS

Municipality or District Council of

Reference: Address of building

Name of owner

Building work approval application no.

This is to specify the essential safety provisions required for the above building or structure and the Australian or other Standards or requirements for maintenance and testing in respect of each of those provisions:

Essential safety provision	Relevant Australian or other Standards or requirements
.....	
.....	
.....	
.....	
.....	
Signed	Date
(Building Surveyor)	

CERTIFICATE OF COMPLIANCE WITH ESSENTIAL SAFETY PROVISIONS

To the Municipality or District Council of

Reference: Address of building or structure

.....

Name of owner

Building work approval application no.

This is to certify that the following essential safety provisions for the above building or structure have been installed and tested in accordance with the following Australian or other Standards or requirements:

Essential safety provision	Relevant Australian or other Standards or requirements
.....	
.....	
.....	
.....	
.....	
Signed	Date
.....	
(position held)	
.....	
(name of installer)	

41.

Form 5

Building Act 1971

**CERTIFICATE OF COMPLIANCE WITH MAINTENANCE PROCEDURES FOR
ESSENTIAL SAFETY PROVISIONS**

To the Municipality or District Council of

Reference: Address of building or structure

.....

Name of owner

This is to certify that maintenance and testing have been carried out in respect of each of the following essential safety provisions for the above building or structure in accordance with the relevant Australian or other Standards or requirements as specified in the schedule of essential safety provisions issued by the council in respect of the building or structure on

(date)

Essential safety provision

Relevant Australian or other Standards or
requirements

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Signed

Date

.....

(owner or manager of the building or structure)

APPENDIX 1

LEGISLATIVE HISTORY

Regulation 4(1):	varied by 267, 1991, reg. 2(a), (b)
Regulation 4(1a):	inserted by 69, 1992, reg. 3(a); varied by 109, 1993, reg. 3(a); 272, 1993, reg. 3(a)
Regulation 4(2):	varied by 69, 1992, reg. 3(b)
Regulation 4(2a):	inserted by 267, 1991, reg. 2(c); varied by 69, 1992, reg. 3(c)
Regulation 4(2b):	inserted by 109, 1993, reg. 3(b)
Regulation 4(4):	inserted by 272, 1993, reg. 3(b)
Regulation 5(1):	definition of "the Building Code" varied by 267, 1991, reg. 3(1); 69, 1992, reg. 4; 109, 1993, reg. 4(a) definition of "essential safety provisions" varied by 109, 1993, reg. 4(b)
Regulation 44:	varied by 109, 1993, reg. 5
Schedule 1	
Item 4:	varied by 109, 1993, reg. 6
Schedule 4	
Form 1:	varied by 109, 1993, reg. 7

APPENDIX 2

Divisional Penalties

At the date of publication of this reprint divisional penalties are, as provided by section 28a of the *Acts Interpretation Act, 1915*, as follows:

Division	Maximum imprisonment	Maximum fine
1	15 years	\$60 000
2	10 years	\$40 000
3	7 years	\$30 000
4	4 years	\$15 000
5	2 years	\$8 000
6	1 year	\$4 000
7	6 months	\$2 000
8	3 months	\$1 000
9	-	\$500
10	-	\$200
11	-	\$100
12	-	\$50

Note: This appendix is provided for convenience of reference only.