

MORE LEGISLATIVE CHANGES REGARDING DEVELOPMENT NOTIFICATION AND BUILDERS SIGNS

by Jason Grieves, Technical Services Manager

Just when you thought there would or could be no further changes to legislation around the building industry and it was safe to settle into a comfortable business routine another requirement has been introduced. The changes have been proposed in the Planning, Building and Environment Legislation Amendment Bill 2012 and require additional information to be presented at the building approval stage for developments which meet Development Exempt criteria. It also requires notification to adjoining residents in some areas. We have been informed the change has already received consent from the Planning and will come into effect from 28 May, 2012.

The changes relate to the following sections in the Planning and Development Regulations 2008. Amendments to sections 1.100 and 1.100B and new sections introduced at 1.19 and 1.100AA and 1.100AB.

What does this mean for future developments?

After 28 May 2012, the proponent of a Code compliant development in an ‘old residential’ area will be required to take reasonable steps to notify residents of each adjoining property about the proposal within a 2 year period prior to the commencement of the project (see Figure 1 for example). This notification process will be required for work such as demolition of part or whole of an existing building, additions or alterations and a new dwelling with a DA exempt approval. This applies to development taking place where there is at least one existing dwelling on the block of the proposed work.

Notification of the proposed development is to be given to the resident or the tenant of the adjoining residence prior to receiving a building approval. There is no requirement for the proponent to notify the lessee of the residence if they are not the resident or the adjoining block is vacant. There is also no requirement for the resident of an adjoining property if that resident is acting as an agent for the proposed development.

What information is to be conveyed?

The Master Builders Association of the ACT and Certifiers have been informed that the information regarding the proposed development provided by the proponent is to include:

- Site plan
- Elevations
- Details and description of the proposed building work and contact details i.e. ‘Single residence with unattached garage’.
- Contact details. These details do not have to the proponents and may be someone else such as the builder, certifier, or designer.

There is no requirement to include a copy of the proposed floor plan.

Who checks this notification process?

Proof of notification must be presented to the appointed Building Certifier before a commencement notice for building work can be issued. ACTPLA have advised that approved forms to achieve this are still being developed which will also prescribe the information to be relayed. Until these forms are available the proponent must state in writing to the Certifier that they have completed the notification and include details of:

- How the documents were delivered.
- Who the documents were delivered to.
- When the documents were delivered.
- Include location of the residents notified.
- Must be signed by the proponents.

The proponent of the development may deliver information of the development a number of acceptable ways and include the following:

- In person.
- Certified mail.
- Regular mail.
- E-mail.
- Leaving the required information in the adjoining properties letter box, or
- Placing the information under the door of adjoining property.

Please note this notification process is not required for a new residence on a block where the proposed residence is the first dwelling. (see table 1 opposite)

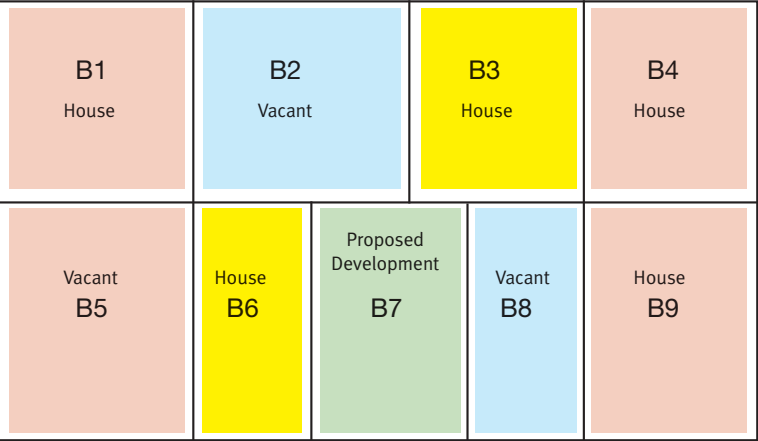
Site signs:

The Master Builders have been informed from the ACTPLA that the introduction for site signage requirements will be 1 July 2012. We have also been advised that it is permissible to include details required under the Work Health and Safety Regulations 2011 on the same sign and have provided an example as in Picture 1 opposite. In addition to information provided in the last edition of Onsite/Insight we have been informed that prior to the issuance of commencement notice the builder must also provide a statement to the Certifier that the sign was erected for 7 consecutive days in the 2 months prior to commencement. A prescribed form is also being developed for this application and will be forwarded to certifiers on its completion.

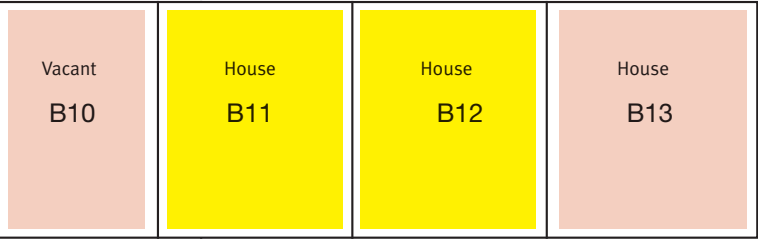
Table 1

Suburb	Proposed work (DA exempt compliant)	Existing residence present	Notification under s1.19 required
Red Hill	Demo/re-build	Yes	Yes
Hughes	Additions/alterations	Yes	Yes
Casey	New residence	No	No
Forde	Additions/alterations	Yes	Yes
Crace	Pool	Yes	Yes

Figure 1



STREET / ROAD



Notification under Section 1.19 of Regs for B3, B6, B11 & B12.

Blocks B2 and B8 do not require notification as there is no residence present.

- Proposed Development
- Notification Required as block is adjoining and resident present
- No Notification Required as block is vacant and no resident present
- No Notification Required as block is not adjoining

Principal Contractor
Name.....
Contact.....A/H.....
Site Office Location.....

NOTICE ABOUT BUILDING WORK

Licensed Builder: Joseph Smith
Licence Number: 20011/9999
Contact: 0411 888 999
☐ DA ☐ DA Exempt
Building Certifier: Susan Wilson
Licence Number: 2009/77A
Contact: 6299 5566 or susan@licensedcertifier.com.au
Street Address:.....
.....
Block:..... **Section:**..... **Suburb:**.....

Description of Work: construction of a single storey dwelling with attached garage and pergola.
Stage of Work: the building work is being completed in a single stage.

600mm

900mm

Picture 1 - Site Signage

Signage must be 600mm x 900mm and can be either a landscape or portrait orientation. The notice about building work signage can be combined with your obligations to provide notification under the Work Health and Safety Act. The coloured portion of the above sign relates to requirements under the Work Health and Safety Act. You can erect two separate signs if you wish however it makes sense to combine the two requirements on the one sign as depicted above. Please note however that the **Notice About Building Work** sign has specific provisions in the ACT Building Regulations, and must be a minimum of 600mm x 900mm.

Further information can be found in the previous edition of On-Site Insight.