

ADVISORY NOTICE BUILDING

06/10

Advisory Notices are issued to assist in the interpretation of the Development Act 1993

August 2010

ADMINISTRATION:

Occupation of Houses – Class 1a buildings

This Notice provides information about the actions which must be completed before occupation of a house is permitted under *Development Act* (the 'Act'), regulation 83A – Occupation of Class 1a buildings.

Non-compliance with this regulation is an offence under the Act and carries a maximum penalty of \$4000.

DISCUSSION

Development Regulation 83A allows occupation of a house to occur subject to certain things being completed, namely:

1. **Structural soundness**

The building must be structurally stable and secure. Items would include:

- Suitable footings
- Secure tie-downs and bracing in place
- Beams properly supported

2. **Weatherproofing**

A basic requirement of any house is to provide protection from the weather. Items would include:

- Flashings in place
- Coverings are secure and water tight.

3. **All completed building work is in accordance with the relevant approval**

However, variations of a minor nature which have no adverse effect on the safety of the building or the health of the occupants and any variations undertaken with the written consent of council, are allowed.

4. **The building is provided with all required facilities including:-**

- Suitable sanitary facilities for personal hygiene; and
- Laundering facilities; and
- A food preparation facility including means for preparation and cooking of food and means for utensil washing and waste water disposal; and
- A sanitary compartment (water closet) with sufficient space to enable an unconscious occupant to be removed from the compartment.

5. **All connections relating to the supply and disposal of water and effluent have been made**

Rainwater tanks must be installed, connected to plumbing fixtures and operational. Where a third pipe recycled water scheme is used, there must be connection to the scheme.



6. Building work complies with bushfire provisions (if applicable)

Building work must comply with the construction requirements for bushfire prone areas as specified in the Building Code of Australia (BCA) or the South Australian Housing Code (SAHC).

7. Smoke alarms

All smoke alarms required under the BCA and SAHC must be installed and tested.

If any of these have not been completed, the house cannot be occupied. Further, the onus is on the building owner to make sure that all provisions of Regulation 83A have been met before the building is occupied.

If the owner has undertaken to do some of the building work (such as installing the rainwater tank) then the owner needs to ensure that the work has been completed before allowing occupation to occur.

While a person generally has 3 years in which to complete the work covered by a development approval, Regulation 83A must be satisfied for occupation to occur.

Further information

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ISSN: 1443-8038

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