



**Building Advisory Services**  
DEPARTMENT OF PLANNING AND INFRASTRUCTURE

**GUIDE FOR BUILDING CONTRACTORS  
RESIDENTIAL  
RESTRICTED & UNRESTRICTED**

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# 1 BACKGROUND

The construction industry is crucial to the Northern Territory's economy, employing more than 6000 people. For most Territorians, their home is their biggest investment as well as reflecting their lifestyle.

In 2004 the Northern Territory Government embarked on a comprehensive reform of the construction industry, developing a package of initiatives to protect consumers and workers and further increase the level of professionalism in the industry.

The four main components of the package were:

- Registration of principal contractors in residential construction;
- Compulsory home warranty insurance to protect house buyers from non-compliant and incomplete work;
- Security of payment arrangements for contracts between principal construction contractors and sub-contractors; and
- Portable long service leave for workers in the construction industry.

Registration of building contractors in residential construction commenced on 3 July 2006 and established:

- 'prescribed building works' (i.e. those that are covered by the *Building Act*) which may only be undertaken by registered building contractors residential or approved owner-builders;
- 2 categories of building contractor residential:
  - building contractor residential (restricted); and
  - building contractor residential (unrestricted).

This guide aims to provide a broad overview of the governance requirements for building contractors residential in the Northern Territory.

## 2 GENERAL PROVISIONS

### 2.1 Legislative Framework

The framework within which the building control system in the Northern Territory operates is the *Building Act* (the 'Act').

Underpinning the Act are the *Building Regulations* (the 'Regulations') which prescribe or 'call up' the following relevant technical requirements which have to be satisfied in order to comply with the Act:

- Building Code of Australia;
- National Plumbing Code (AS3500); and
- Code of Practice for small on-site sewage and sullage treatment systems and the disposal or reuse of sewage effluent.

The Act also establishes the following three independent statutory bodies to assist in the administration of the building control system:

- Building Advisory Committee;
- Building Practitioners Board; and
- Building Appeals Board.

### 2.2 Building Control Areas

The Act is applicable to declared Building Control Areas. Generally, declared Building Control Areas cover the larger urban localities and some rural localities. They generally exclude industry-owned mining towns, aboriginal communities and pastoral properties. These excluded communities are under single titles and the owners can fully control any development.

The current Building Control Areas are:

- Adelaide River
- Alice Springs
- Batchelor
- Borroloola
- Brewer Estate
- Darwin (including Palmerston & Litchfield Shires)
- Elliot
- Highways Control Plan\*
- Jabiru
- Katherine
- Katherine Gorge
- Kings Canyon
- Lake Bennett
- Larrimah
- Mataranka
- Namarada (or Dundee Beach)
- Pine Creek
- Tennant Creek
- Timber Creek
- Ti Tree
- Yulara

A map for these areas is available online at <http://www.nt.gov.au/lands/building/regulations/areas/index.shtml>.

\* The Highways Control Plan was a former regulation under the *Planning Act*. The roads shown in that regulation form the basis for the Highways Control Plan Building Control Area. All building

works within 500m of these roads require a building permit issued prior the commencement of building works.

### 2.3 Tier 1 / Tier 2 Building Control Areas

In recognition of the difficulties and costs related to engaging building certifiers in areas distant from Darwin and Alice Springs, from 3 July 2006 the NT Government established a two-tier Building Control Area which amended the application of the provisions of the Act for the following areas.

In the Darwin (Greater Area), Lake Bennett and Alice Springs (Greater Area) building control areas, where building certifiers are based or are in reasonable proximity, full certification and mandatory staged inspections of building work apply.

In areas distant from Darwin and Alice Springs, the requirements for mandatory inspections and occupancy permits do not apply in respect of Class 1a detached houses and, in most cases, Class 10 non habitable buildings (sheds, carports, stand alone or retaining walls etc).

The following table provides details of the certification requirements.

| <p style="text-align: center;"><b>TIER 1</b><br/> <b>Darwin, Lake Bennett and</b><br/> <b>Alice Springs Building Control Areas</b></p>   | <p style="text-align: center;"><b>TIER 2</b><br/> <b>All other Building Control Areas</b></p>  |
|--|--|
| <ul style="list-style-type: none"> <li>• Full certification process applies for all buildings.</li> <li>• For prescribed building works* full certification includes:               <ul style="list-style-type: none"> <li>▪ building permit;</li> <li>▪ mandatory inspections</li> <li>▪ builders declaration; and</li> <li>▪ occupancy permit.</li> </ul> </li> <li>• Prescribed building works* must be built by a registered building contractor residential or an approved owner-builder.</li> <li>• Building Code of Australia (BCA) and technical regulations apply in full</li> <li>• Home warranty insurance (HWI)** will be required.</li> </ul> | <ul style="list-style-type: none"> <li>• Full certification process for all buildings other than those specified below.</li> <li>• For prescribed building works* <b>except for Class 1a attached duplexes etc and Class 2 attached units etc</b> the following part certification applies:               <ul style="list-style-type: none"> <li>▪ building permit;</li> <li>▪ <b>no</b> mandatory inspections;</li> <li>▪ builder’s declaration;</li> <li>▪ <b>no</b> occupancy permit .</li> </ul> </li> <li>• Prescribed building works* must be built by a registered building contractor residential or an approved owner-builder.</li> <li>• Building Code of Australia (BCA) and technical regulations apply in full</li> <li>• Home warranty insurance (HWI)** will <b>not</b> be required.</li> </ul> |

\*Prescribed building works are described in 3.2 and are works above \$12,000 on:

- Class 1a detached single house and attached duplexes etc;
- Class 2 attached units, flats etc;
- Class 10 garage, carport, etc that is attached to and built at the same time as the Class 1a or Class 2 and a retaining wall that is not attached but is integral to the structural integrity of the building.

\*\* HWI has not been introduced to date. See 6.3 for the current HBCF requirements.

# 3 BUILDING CONTRACTOR RESIDENTIAL

## 3.1 What is a Registered Building Contractor Residential?

The Act and Regulations now require that any person who wishes to undertake certain building work (referred to as 'prescribed building work') must be registered as a building practitioner in the category of 'building contractor'. The Act provides for two sub-categories of building contractor – a 'building contractor residential (restricted)' and 'building contractor residential (unrestricted)'.

A registered building contractor residential is responsible for the supervision and completion of prescribed building works.

## 3.2 What works can a Building Contractor Residential Perform?

- The building contractor residential - unrestricted can do prescribed building works for single dwellings, townhouses, duplexes and residential units with no height restriction.
- The building contractor residential restricted can only do prescribed building works for single dwellings, townhouses, duplexes and residential units NOT more than two storeys.

## 3.3 What are Prescribed Building Works?

Prescribed building works are those works described in the Regulations that can only be carried out by a registered building contractor or, in some cases, approved owner-builders.

They are:

- new single houses, townhouses, duplexes and residential units to any height;
- verandahs, garages and carports built as part of new dwellings;
- extensions such as living areas, bedrooms and enclosed attached garages to existing dwellings;
- retaining walls associated with the actual structure of existing dwellings; and
- where the cost is above \$12,000.

Prescribed building works are NOT:

- renovations to existing dwellings, including renovations to bathrooms and kitchens;
- free standing sheds or fences;
- retaining walls not associated with the structural integrity of an existing dwelling;
- verandahs or open carports being added to existing dwellings;
- commercial or industrial buildings; and
- mixed use commercial and residential buildings.

**Note** that these exclusions do NOT alter the requirements for building permits

### 3.4 Registration as a Building Contractor Residential

A person or a company can be a registered building contractor and is required to provide evidence of relevant educational and other requirements of the Building Practitioners Board.

For company registration, the company must have a director or a nominee registered in the same category of building contractor who is a resident of the Northern Territory.

Firms and partnerships are not required to be registered. They can trade provided a partner is a registered building contractor and that partner is a signatory to the building contract.

### 3.5 How long is registration for?

Registration as a building contractor residential is for a period of 2 years from the date on the registration certificate.

At least 2 months before the expiration of registration, the application for renewal must be received by the Building Practitioners Board. Renewal forms are available from the Registrar of the Building Practitioners Board on 8999 8964 or from [www.nt.gov.au/lands/building/boards/bpb](http://www.nt.gov.au/lands/building/boards/bpb). **It is the responsibility of a building contractor residential to renew registration on time.**

### 3.6 Obligations of a Building Contractor Residential

When registered by the Building Practitioners Board as a building contractor residential, there are a number of obligations imposed by the Act. A registered building contractor residential must:

- Display the Certificate of Registration in a conspicuous place in an office or place of business;
- Enter into a contract with the owner before beginning to commence building works and complete an *Evidence of Contract* form (refer to Chapter 14) to provide to a building certifier;
- Make sure that an approved policy of insurance has been obtained prior to commencing construction;
- Make sure that there is a building permit for the works before commencing construction;
- During construction make sure all conditions contained within a building permit including mandatory inspections are complied with;
- During construction make sure that all employees / sub-contractors engaged to undertake works are appropriately supervised so that all building works are completed in accordance with the contract and building permit;
- At all times act within the level of competency required and in a professional manner;
- After finalising the works provided for in the contract and contained in the building permit, make sure the builders declaration is issued within 14 days; and
- If resigning as a nominee for a Corporation, advise the Building Practitioners Board in writing.

# 4 THE BUILDING PRACTITIONERS BOARD

## 4.1 Information about the Board

The Building Practitioners Board is a statutory body established by the Act. The Board comprises a cross section of industry representatives appointed by the Minister. The Board has the responsibility for:

- Registering persons as building practitioners;
- Establishing and maintaining a system of performance reporting on building practitioners to ensure that information on past performance is available and able to be taken into account when assessing the competence of building practitioners;
- Monitoring the compliance of building practitioners with their registration requirements;
- Monitoring the competence to practice and professional conduct of building practitioners;
- Conducting inquiries into work and conduct of building practitioners and, if necessary, to discipline building practitioners;
- Developing and publishing codes of practice about the work and conduct of building practitioners for reference by building practitioners and for use by the Board and the Director of Building Control (refer to Chapter 10) in assessing the work and conduct of building practitioners.

All registered building practitioners should familiarise themselves with the following Board policies which may be relevant to their registration -

|         |  |
|---------|--|
| BPB-001 | Privacy Statement  |
| BPB-002 | Payment of Registration Fee                                  |
| BPB-003 | Proof of Identity Documents for Registration                 |
| BPB-004 | Deferred Applications Before the Board                       |
| BPB-005 | Net Tangible Assets Equivalency                              |
| BPB-006 | Insurance  |
| BPB-007 | Proof of Residency   |
| BPB-008 | Registration Policy for Building Contractor                  |
| BPB-009 | Inquiry Board Procedures                                     |
| BPB-010 | Registration Policy for Building Contractors                 |
| BPB-011 | Performance Reporting Systems                                |
| BPB-012 | Endorsement of Registration                                  |
| BPB-013 | Requirement to Register a Company as a Building Practitioner |

For further information in this regard contact:

- the Registrar on 8999 8964; or
- email [bpb.ipe@nt.gov.au](mailto:bpb.ipe@nt.gov.au) or
- visit the website at [www.nt.gov.au/lands/building/boards/bpb](http://www.nt.gov.au/lands/building/boards/bpb).

## 4.2 Past Performance and Continuing Professional Development Requirements

The Building Practitioners Board has adopted a policy that considers past performance. The policy is available by contacting the Registrar on 8999 8964 or online at <http://www.ntlis.nt.gov.au/building-practitioners/>.

Whilst the Act provides for on-going continuing professional development of registered practitioners, to date no scheme has been introduced.

## 4.3 Registered Building Practitioners Obligations to the Board

A registered building practitioner (individual or corporation) has the following obligations to the Building Practitioners Board:

- To notify the Board of any change in contact or address details. The contact details and registration number of all registered building practitioners are recorded in the Board's Register of Practitioners which is available at <http://www.ntlis.nt.gov.au/building-practitioners/>.

In addition

- Corporations are required to notify the Board in writing of any changes (resignations, suspensions, retirements) to the registered practitioners acting on behalf of the corporation;
  - Corporations with one registered practitioner must notify the Board immediately of any changes;
  - Corporations with more than one registered practitioner must notify the Board within 7 days of the change; and
  - If a Director resigns as a nominee for a Corporation, they are required to advise the Board in writing within 7 days.

Each of these important statutory obligations are dealt with throughout this guide. Please ensure that they are read and all obligations understood.

# 5 BUILDING STANDARDS IN THE NORTHERN TERRITORY

## 5.1 Building Regulations

There are a number of technical and administrative requirements contained in the Regulations that registered building contractors residential should familiarise themselves with. These include:

- The Building Code of Australia as the technical requirements for the Northern Territory;
- Requirements concerning what type of works may be undertaken by registered building contractor residential;
- Mandatory inspections which must be undertaken for prescribed works;
- Documents required by building certifiers for building and occupancy permits;
- Building contract requirements;
- Requirements for builders declarations;
- Requirements for supervision of workers by the registered building contractor residential;
- Technical requirements for building on land which is subject to flooding; and
- Penalties for non-compliance with any regulations.

## 5.2 Building Code of Australia

Regulation 4 of the Regulations 'calls-up' a number of technical standards and codes. One of these codes is the Building Code of Australia (commonly referred to as the 'BCA').

The BCA covers those aspects of building such as structure, fire resistance, access and egress, services and equipment, health and amenity and special use buildings such as places of public assembly (theatres, halls etc).

**It is strongly recommended that all building contractors residential purchase a copy of the BCA to ensure that they are familiar with all required construction methodologies. Copies may be purchased at <http://www.abcb.gov.au/>.**

## 5.3 National Plumbing and Drainage Code (AS3500)

The National Plumbing and Drainage Code AS3500 contains the technical requirements for plumbing and drainage works. It is a comprehensive Code, similar to the BCA, covering all aspects of plumbing and drainage.

Local NT variations to AS3500 are not contained within the Code but are contained in Schedule 5 of the Regulations. These variations include:

- Swimming Pool Discharge;
- Inspection Openings;
- Overflow Relief Gullies;
- Installation of Cisterns;

- Isolating Valves;
- Pressure Relief and Venting of Water Heaters and Containers; and
- Domestic Clothes Washing Machines.

Copies of relevant Australian Standards may be found at [www.saiglobal.com](http://www.saiglobal.com) under “Publications” and then “Australian Standards”.

## 5.4 Code of Practice for Small On-site Sewage and Sullage Treatment Systems/Disposal or Reuse of Sewage Effluent

This Code of Practice contains the technical requirements for the selection and installation of appropriate septic systems to residential buildings in the Northern Territory.

Registered certifying plumbers and drainers are required to certify the installation of any septic system, and registered building contractors residential should ensure that the installation certificate is provided to the building certifier with the builder’s declaration.

## 5.5 NT Deemed-to-Comply Manual

The NT Deemed to Comply Manual (DTCM) is referenced in the BCA, Volume 2, Part 3.10.1 as an acceptable construction manual for high wind areas.

The manual contains products or systems which have been assessed for structural adequacy for cyclonic wind loads and approved by the NT Building Advisory Committee. These drawings can be accepted by architects, building contractors, building certifiers, designers, engineers etc as complying with the structural requirements of the Act.

For further information regarding the DTCM:

- Visit the website at <http://www.nt.gov.au/lands/building/boards/bac/manual.shtml>;
- Contact the Registrar by telephone on 8999 8972; or
- By email to [bac@nt.gov.au](mailto:bac@nt.gov.au).

# 6 BEFORE COMMENCING BUILDING WORKS

## 6.1 Appropriate Registration to Undertake Works

Prior to accepting a building project and entering a contract to undertake the building works, a registered building contractor must ensure that the works fall within their category of registration.

Chapter 3 deals with the requirements of registration, however generally speaking:

- A building contractor residential (unrestricted) can do prescribed building works for single dwellings, townhouses, duplexes and residential units with no height restriction; and
- A building contractor residential (restricted) can do prescribed building works for single dwellings, townhouses, duplexes and residential units of NOT more than two storeys.

## 6.2 Contracts

A registered building contractor must ensure that before prescribed building work is commenced, a written contract has been entered into. The contract must be limited to a single building project on one site and include:

- a declaration by the builder that a Home Building Certification Fund ('HBCF') insurance policy has been secured from the Territory Insurance Office ('TIO') (to be replaced in time by home warranty insurance);
- identification of the registered building contractor and registration number;
- any deposit to be no more than 5% value of the work;
- the full extent of works;
- the work stages and amounts for progress payments; and
- a process to address disputes between the building contractor and owner.

Upon entering into a contract with the owner, both must then complete the *Evidence of Contract* form, a copy of which is provided in Section 14 or online at <http://www.nt.gov.au/lands/building/regulations/forms/index.shtml>.

Please note that if:

- the correct form is not used; and/or
- all relevant parts of the form are not completed,

then a building certifier may not accept the document which may delay the building works.

## 6.3 Insurance

Before a building permit can be issued by a building certifier, a registered building contractor is required to obtain a Home Building Certification Fund (HBCF) approved policy of insurance against failure to carry out building work which complies with the BCA. The Territory Insurance Office ('TIO') manages the HBCF on behalf of the Territory Government.

It is an offence for registered building contractors to commence or continue to carry out prescribed building works unless there is a policy of insurance in place for the project.

The certificate received from TIO is to be provided to the building certifier as evidence that the prescribed policy of insurance has been obtained.

It is proposed to introduce a new insurance requirement known as Home Warranty Insurance (HWI) subject to competitive products being available. HWI is an insurance policy that covers the single homeowner against non-completion of the contract. It also covers the single homeowner and the residential unit owner (where the unit is in a residential only building that is no greater than three storeys excluding a level for car parking) against non-compliance with the building code for six years after the completion of the building works.

HWI will cover the additional expense associated with engaging another builder in the event of the original builder not being able to complete the work through death, disappearance or insolvency.

Further information on HWI will be provided once these products have been developed. Until then the existing HBCF policy will continue to give protection for non-compliance only.

## 6.4 Building Permit

To undertake building works in the Northern Territory in declared building control areas a building permit is required (for further information regarding building control areas please refer to Chapter 1).

Building permits are issued by building certifiers pursuant to the provisions of the Act on application by an owner or owner's agent. A building permit prescribes the details and plans of the works to be carried out, on what land and how the works are to be constructed.

It is the responsibility of a registered building contractor to ensure that there is a building permit in place prior to undertaking any works. The Act provides penalties for any person undertaking building works without a permit. As well, disciplinary action may be taken against a building contractor's registration.

# 7 CONSTRUCTION OF BUILDING WORKS

## 7.1 General Requirements

As a registered practitioner, a building contractor residential has a responsibility to:

- (a) comply with all the requirements of the Act and Regulations;
- (b) conduct themselves in a professional and competent manner; and
- (c) carry out all building works in a competent and professional manner.

Failure to do so may not only damage the reputation and business of the registered building contractor but may also lead to disciplinary action against the registration by the Building Practitioners Board.

## 7.2 Inspections

The building certifier is responsible for the inspection of the building work at each mandatory inspection stage specified on the building permit no matter how carried out.

|    | INSPECTION STAGE | DESCRIPTION  |
|----|------------------|--|
| 1. | Pre-pour         | Before pouring the footings, ground floor slab or other in situ concrete building element  |
| 2. | Frame            | Before covering the framework for floors, walls, roof or other building element  |
| 3. | Block wall       | Before pouring any reinforced masonry or block walls   |
| 4. | Fire separation  | Before covering walls, floors or ceilings, for the purpose of checking that fire resistance levels comply with the building code ( <i>see note</i> ) |
| 5. | Wet area         | Before covering waterproofing in wet areas   |
| 6. | Final            | After completing the building work but before issuing an occupancy permit in relation to the work  |

A registered building contractor is responsible for:

- Notifying the building certifier when each stage of the building work is completed and ready for inspection;
- Not carrying out further building work that is dependant on the inspection, until the inspection has been undertaken and the building certifier has approved the works to continue;
- Ensuring that the works that are dependant upon the inspection **do not continue** until inspected by the building certifier;
- Rectifying all matters found to be non-compliant with the building permit during an inspection by a building certifier;
- Keeping a record of the requests for inspections as this is good business practice and is evidence of the discharge of any contractual and/or statutory obligations;
- Ensuring that the building certifier provides a copy of the inspection certificate for the records.

There is no formal process for requesting an inspection – it is recommended that any process be negotiated between the registered building contractor and the building certifier prior to commencement of the building works.

To assist you to understand what a building certifier inspects, a guide for inspections is available at <http://www.nt.gov.au/lands/building/regulations/policies/documents/dbcguideinspections20060719.pdf>.

### 7.3 Supervision of Employees / Sub-Contractors

The Act requires at section 48A(1) that a person must not commence or continue to carry out prescribed works unless registered as a building contractor residential or being supervised by a building contractor residential in accordance with the Regulations.

Regulation 41D requires that a building contractor residential must supervise the person by the level of personal oversight the contractor considers appropriate, having regard to the person's skills and experience.

It is the responsibility of a building contractor residential to identify what matters should be considered when determining compliance with Regulation 41D.

A suggested way to determine compliance with Regulation 41D is by the assessment of all employees / sub-contractors according to their:

- Relevant experience;
- Relevant qualifications; and
- Prior work performances.

After assessing any relevant criteria, a building contractor residential is better positioned to determine what level of personal oversight is required e.g. on-going supervision of works; hourly, daily or whatever level deemed appropriate. It is important to note that should any problems arise, they will be the responsibility of the registered building contractor.

### 7.4 Building According to Approved Plans

The Act provides at section 55 that a person shall not carry out building work unless a building permit in respect of the work has been granted and is in force under the Act and the work is carried out in accordance with the permit.

A building contractor residential is required by the Act to build in accordance with the approved plans.

### 7.5 Amendments To Building Works / Approved Plans

If there are any amendments or variations to the approved plans then those variations **MUST** be approved by the issuing building certifier and an amended building permit and plans must be issued prior to building works continuing.

# 8 COMPLETION OF BUILDING WORKS

## 8.1 Final Inspection

On completion of the building works in accordance with the building permit, the building contractor residential must then contact the building certifier and request a final inspection.

It is recommended that a registered building contractor keep a record of the requests for inspections as this is good business practice and is evidence of the discharge of any contractual and/or statutory obligations.

## 8.2 Builders Declaration

Within 14 days of completion of all works detailed in the contract, a registered building contractor is required to make a declaration in the approved form stating that the building work has been carried out in accordance with the building permit (known as the 'Builder's Declaration'). A copy of this form is available at <http://www.nt.gov.au/lands/building/regulations/forms/index.shtml> or alternatively at Chapter 14.

When completing the form the following information is mandatory:

- The name of the building contractor residential who undertook the building works;
- The nature of the building works undertaken;
- The building permit number and date issued;
- The property details where the building works were undertaken (for assistance these can be found on the building permit. If you cannot locate them please contact the building certifier responsible for the issue of the building permit);
- The date the declaration is made (NB it must be within 14 days of completion of the building works contained in the building permit);
- The name of the registered building contractor; and
- The registration number of the registered building contractor who undertook the building works which are the subject of the declaration.

The completed builder's declaration form is then provided to the building certifier so that an occupancy permit may be issued for the building works. Note that there are penalties provided in the Act should a building contractor residential not comply with this provision or knowingly make a false or misleading declaration.

Please note that if:

- the correct form is not used; and/or
- all relevant parts of the form are not completed,

a building certifier may not accept the document which may delay the issue of the occupancy permit.

## 8.3 Occupancy Permit

The occupancy permit is the final part in the building process and is issued by a building certifier.

A building certifier requires an application for an occupancy permit from the owner or owner's agent along with the builder's declaration and other documents / certificates prior to issuing the occupancy permit.

A copy of the *Application for Occupancy Permit* form can be found at Chapter 14 or online at <http://www.nt.gov.au/lands/building/regulations/forms/index.shtml>.

It is the responsibility of the registered building contractor to ensure that all documents are collected, collated and provided to the building certifier to facilitate the timely issue of the occupancy permit.

A building certifier will not grant an occupancy permit unless the works are suitable for occupation and comply in all material respects with the Regulations – this includes the BCA.

## 9 BUILDING ADVISORY SERVICES

Building Advisory Services Branch ('BAS') administers the Act and associated Regulations to ensure that structures within Building Control Areas of the Northern Territory achieve minimum structural, fire, safety, health and amenity standards.

BAS offices and contact details are provide in the following table:

| Location   | Opening Hours                                     | Contact Details   |
|--|---|---|
| <b>DARWIN</b><br>Ground Floor, Cavenagh House<br>38 Cavenagh Street<br>DARWIN NT 0801      | 8.00 AM - 4.21 PM<br>(Front Counter<br>8am - 4pm) | E-mail: <a href="mailto:bas.lpe@nt.gov.au">bas.lpe@nt.gov.au</a><br>Ph: 08 8999 6435<br>Fax: 08 8999 8967<br>GPO Box 1680<br>DARWIN NT 0801       |
| <b>KATHERINE</b><br>Government Centre<br>First Street<br>KATHERINE NT 0850                 | 8.00 AM - 4.21 PM                                 | E-mail: <a href="mailto:bas.lpe@nt.gov.au">bas.lpe@nt.gov.au</a><br>Ph: 08 8973 8926<br>Fax: 08 8973 8666<br>PO Box 1171<br>KATHERINE NT 0851     |
| <b>ALICE SPRINGS</b><br>1st Floor Alice Plaza<br>Todd Street Mall<br>ALICE SPRINGS NT 0870 | 8.00 AM - 4.21 PM                                 | E-mail: <a href="mailto:bas.lpe@nt.gov.au">bas.lpe@nt.gov.au</a><br>Ph: 08 8951 9235<br>Fax: 08 8951 9222<br>PO Box 2130<br>ALICE SPRINGS NT 0871 |
| <b>TENNANT CREEK</b><br>Government Centre<br>Patterson Street<br>TENNANT CREEK NT 0860     | 8.00 AM - 4.21 PM                                 | E-mail: <a href="mailto:bas.lpe@nt.gov.au">bas.lpe@nt.gov.au</a><br>Ph: 08 8962 4523<br>Fax: 08 8962 4388<br>PO Box 96<br>TENNANT CREEK NT 0861   |

# 10 THE DIRECTOR OF BUILDING CONTROL

## 10.1 Director of Building Control

The Act establishes the statutory position of the Director of Building Control ('Director') who is responsible for the administration of Building Advisory Services ('BAS') and the following 4 key statutory functions:

- Register of building permits (or 'building record');
- Enforcement;
- Investigation of complaints against registered building practitioners; and
- Auditing of registered building practitioners.

## 10.2 Building Records & Access

One of the key statutory functions of the Director is to maintain a register of building permits issued against parcels of land across the Northern Territory. This register is known as the 'building record' and contains building and occupancy permits and associated documentation for approved structures on a specified parcel of land.

Regulation 15 provides that the owner, or the owner's agent, of a building in relation to which a building permit has been granted under the Act may:

- (a) inspect a copy of the drawings and documents at the office of the person or body that has approved the application or at the office of the Director (Building Advisory Services); and
- (b) request the person or body by whom any application has been granted to stamp or endorse one or more copies of the drawings and documents as evidence of that approval and any such request shall be complied with on payment of a reasonable fee.

To assist with compliance with Regulation 15 and enable access to the building record the following policy has been adopted by the Director:

- An owner is required to provide photographic identification to prove ownership of the property. In the event that a house is listed in only one family member's name, the registered owner must provide a letter authorising any other family member to view the building record;
- An agent or third party - the property owner must either provide a letter authorising the agent or third party to view the file, or sign an *Authority to Access Building Records* form;
- Company - an authorising letter on company letterhead signed by the Director, Manager, Principal etc giving access to an individual to view their building record.

BAS officers may decline access to the building record if the correct documentation is not provided in accordance with the Director's policy.

## 10.3 Enforcement of Building Standards

Another key statutory function of the Director provided by the Act is the enforcement of building standards in building control areas across the Northern Territory.

The Act provides a number of formal mechanisms for this to occur:

- Emergency Orders;
- Building Notices;
- Building Orders;
- Building Orders to Stop Work; and
- Prosecution Action.

### **10.3.1 Emergency Orders**

Emergency Orders are issued by the Director because of a threat to life arising out of the condition or use or proposed use of a building or building works. For example, the Order may require the evacuation of a building or stop the work on the building until the problem is rectified.

If you are working on a property that is subject to an Emergency Order it is important that you contact the owner and building certifier (if applicable) to ensure compliance with the Order. The Act provides penalties for non-compliance with an Emergency Order.

### **10.3.2 Building Notices**

The Act provides that Building Notices may be issued by either the Director or a building certifier. The purpose of a Building Notice is to provide notice to owners or others on matters such as:

- building without a permit;
- contravention of a building permit;
- contravention of an occupancy permit;
- the building being unfit for occupation; and/or
- the building being unsafe for occupation.

A Building Notice is served on an owner advising of the situation and seeking a response within a specific timeframe as to what actions are proposed to be taken to rectify the situation.

If a Building Notice is issued by a building certifier, they must provide a copy to the Director within 2 days of issue.

It is important that if a Building Notice is issued on a property on which a registered building contractor is undertaking works, that the matter be discussed with the owner and/or building certifier as soon as practicable to determine what action is required.

### **10.3.3 Building Orders**

If an owner fails to rectify the matters outlined in the Building Notice, then a Building Order may be issued.

A Building Order lawfully requires an owner to take whatever action is required to rectify the matters outlined in the Notice & Order within 28 working days. After the expiration of the order the owner may then be liable for an offence against the Act as well as face further legal action to rectify the matters contained in the order.

Building Orders may only be issued by the Director. Should an owner undertake the necessary action to rectify the matters then the Building Order is taken to have been complied with.

If a registered building contractor is working on a property that is subject to an Building Order it is important the owner and building certifier (if applicable) be contacted to ensure compliance with the order. The Act provides penalties for non-compliance with a Building Order.

#### **10.3.4 Building Orders to Stop Work**

The Act provides where, in the opinion of the Director, building work on land contravenes this Act or the Regulations, is a danger to the public or affects the support of adjoining property, the Director may make a Building Order requiring the owner or other person carrying out the work to stop the work, even if a Building Notice has not been served.

In this event, the Director will serve a copy of the Building Order on a person believed to be in charge of a site on which the building work is being carried out.

If served with a Building Order to stop work, a registered building contractor must immediately cease work and comply with all directions contained in the Order. The Act does provide penalties for failing to comply with a Building Order.

#### **10.3.5 Prosecution Action**

If a person (including a registered building contractor) fails to meet a requirement of the Act then an action may be commenced in the Local Court.

The Court may impose penalties as outlined in the Act and/or make orders requiring a person to do something.

Court action is usually reserved for the more serious breaches of the Act and/or Regulations.

## **10.4 Investigation of Complaints against Registered Building Practitioners**

The Northern Territory Government's 2006 Reforms have put in place a new system for dealing with complaints regarding building practitioners. The Director has responsibility for the investigation of complaints and taking appropriate action against building practitioners.

The Director takes seriously all complaints about building practitioners. A person may complain to the Director about a building practitioner on one or more of the following grounds:

- (a) the practitioner has committed an offence against the Act or the Regulations - for example carrying out work whilst not registered or commencing building work without a building permit or not building in accordance with the building permit;
- (b) the practitioner has carried out work in a negligent or incompetent manner;
- (c) the practitioner is otherwise guilty of professional misconduct.

If the Director receives a complaint against a registered building practitioner, it will be assessed to determine whether the complaint contains sufficient particulars. If the Director is satisfied that there are sufficient particulars, the Director will notify the practitioner in writing, provide a copy of the complaint and invite the practitioner to respond in writing to the matters raised in the complaint by a given date.

If a response is provided, the Director will re-assess the complaint and decide to either dismiss the complaint or order an investigation. Should the practitioner fail to respond to the Director's invitation to provide a response, a full investigation will be ordered into the complaint.

It is important that a practitioner is familiar with the obligations in accordance with the Act, that is:

- to provide documentation; and/or
- answer any question truthfully when the Director requests.

If a practitioner fails to answer any question or provide documents as requested then the Director may take action which may include prosecution and/or referral to the Building Practitioners Board for Inquiry.

The Act provides for penalties if a breach is dealt with by a Court; and/or possible suspension or cancellation of registration as a building practitioner if dealt with by an Inquiry Board.

Further information is available at <http://www.nt.gov.au/lands/building/complaints/index.shtml>.

## 10.5 Auditing of Registered Building Practitioners

The Northern Territory Government's 2006 Reform Package established the requirement for the audit of work and/or conduct of registered building practitioners, including registered building contractors.

### **10.5.1 What is an Audit?**

An audit is a systematic, independent and documented process to determine the compliance of a building practitioner with obligations in accordance with the Act.

The Act and the Regulations imposes specific statutory obligations and requirements on a building practitioner in the discharge of functions. All building practitioners should familiarise themselves generally with obligations.

The Director of Building Control may conduct an audit of a building practitioner:

- (a) Whenever the Director considers it appropriate to do so;
- (b) As a consequence of a complaint;
- (c) As requested by the Practitioners Board in accordance with section 34U of the Act.

### **10.5.2 What to expect**

Generally, an audit will consider:

- A review, analysis and assessment of relevant documentation provided by, and associated with, the practitioners obligations in accordance with the Act including interrelated business functions of the practitioner; and/or

- Assessment of current and/or completed building works in accordance with valid permits according to the requirements of the Act, Regulations and the Building Code of Australia; and/or
- Such other functions of the practitioner as determined and notified by the Director of Building Control.

When a practitioner is selected for an audit, prior notification will be given in writing in accordance with section 34B of the Act, including the date and time of the audit, the matters being audited and the nature or format of the audit.

A practitioner needs to be aware that when audited by the Director section 34E of the Act provides that if a building practitioner –

- (a) refuses or fails to comply with any reasonable request from the auditor to answer a question, provide information or produce a document; or
- (b) in purported response to a request from the auditor, gives an answer, provides information or produces a document that is false or misleading,

the Director may refer the matter to the Practitioners Board for inquiry.

A practitioner must not, without reasonable excuse –

- (a) refuse or fail to comply with a requirement of an auditor under section 34D(1); or
- (b) obstruct or hinder an auditor in the exercise of a power.

Further information is available at <http://www.nt.gov.au/lands/building/auditing/index.shtml>.

# 11 OTHER RELEVANT BODIES

## 11.1 Building Appeals Board

The Building Appeals Board ('BAB') is a statutory body established by the Act and is responsible to determine:

- modifications to the application of Regulations;
- appeal by the owner or agent against the decision of a building certifier;
- appeal by the Director against the decision of a building certifier;
- appeal against the Director when acting in the capacity of a building certifier; and
- appeal against an Emergency Order and Building Order made by the Director.

For further information about the BAB or to enquire how to lodge an appeal:

- Contact the Registrar on 8999 8972; or
- Visit the BAB website at <http://www.nt.gov.au/lands/building/boards/bab/index.shtml>.

## 11.2 Building Advisory Committee

The Building Advisory Committee ('BAC') is a statutory body established by the Act. Its major role is to maintain industry input into the building control process in the Northern Territory by:

- advising the Minister on the administration of the Act;
- investigating and reporting to the Minister on all matters related to the Act referred to it by the Minister;
- accrediting building products, construction methods, designs, components or systems (Deemed to Comply Manual); and
- such other functions as are imposed on it by legislation or as directed by the Minister.

As a registered building contractor, you are required to ensure compliance with any policies issued by the BAC.

For further information:

- Contact the Registrar on 8999 8972; or
- Visit the BAC website at <http://www.nt.gov.au/lands/building/boards/bac/index.shtml>

## 12 MISCELLANEOUS

### 12.1 NT Build

NT Build is a Government appointed statutory tripartite Board established under the *Construction Industry Long Service Leave and Benefits Act* (the Act) which came into affect on 1st July 2005.

The purpose of the Act is "to provide for long service leave and long service benefits for construction workers, and for related purposes" enabling building and construction industry workers in the Northern Territory to benefit from the introduction of a portable long service leave scheme.

The scheme is administered by the NT Build Board, consisting of industry members who represent organisations that represent the interests of both employees and employers.

For further information please contact the Registrar on 1300 795 855 or visit <http://www.ntbuild.com.au/>.

### 12.2 Construction Contracts (Security of Payments) Act

The *Construction Contracts (Security of Payments) Act*, which seeks to reduce payment delays for contractors and provide avenues for contractors to resolve payment disputes, commenced on 1 July 2005, and promotes good payment practices in the building and construction industry.

The legislation applies to:

- Most construction contracts entered into after 1 July 2005;
- Related contracts for professional services associated with construction projects such as architects, engineers, quantity surveyors and surveyors; and
- Related contracts for the supply of goods and materials to construction sites. Mining work such as drilling and shaft and pit construction is excluded.

For further information please contact the Registrar on 8924 7608 or visit <http://www.nt.gov.au/justice/policycoord/construction/index.shtml>.

# 13 LIST OF RELEVANT CONTACTS

|   |   |
|---|---|
| <b>Information about this Guide:</b>        | Building Advisory Services<br>Dept of Planning and Infrastructure<br>GPO Box 1680<br>Darwin NT 0801<br>Ph: (08) 899 98985<br><a href="http://www.nt.gov.au/lands/building">www.nt.gov.au/lands/building</a> |
| <b><i>Building Act</i> and Regulations:</b> | Building Advisory Services<br>Dept of Planning and Infrastructure<br><a href="http://www.nt.gov.au/lands/building">www.nt.gov.au/lands/building</a>   |
| <b>Building Practitioner Registration:</b>  | Registrar<br>Ph: (08) 8999 8964<br><a href="http://www.nt.gov.au/lands/building/boards/bpb">www.nt.gov.au/lands/building/boards/bpb</a>   |
| <b>Building Appeals Board:</b>              | Registrar<br>Ph: (08) 8999 8972<br><a href="http://www.nt.gov.au/lands/building/boards/bab">www.nt.gov.au/lands/building/boards/bab</a>   |
| <b>Building Advisory Committee:</b>         | Registrar<br>Ph: (08) 8999 8972<br><a href="http://www.nt.gov.au/bac">www.nt.gov.au/bac</a>   |
| <b>Building Standards:</b>                  | Australian Building Codes Board<br>Ph: 1300 857 522<br><a href="http://www.abcb.gov.au">www.abcb.gov.au</a>   |
| <b>Contractor Payments:</b>                 | NT Build<br>Ph: 1300 795 855<br><a href="http://www.ntbuild.com.au">www.ntbuild.com.au</a>  |
| <b>Occupational Health and Safety:</b>      | NT Work Safe<br>Ph: 1800 019 115<br><a href="http://www.worksafe.nt.gov.au">www.worksafe.nt.gov.au</a>  |
| <b>Electrical Licensing:</b>                | Electrical Safety Unit<br>Ph: (08) 8981 5435<br><a href="http://www.electricallicensing.nt.gov.au">www.electricallicensing.nt.gov.au</a>  |
| <b>Plumbing Licensing:</b>                  | Plumbers and Drainers Licensing Board<br>Ph: (08) 8999 8972<br><a href="http://www.nt.gov.au/lands/building/boards/plumbers">www.nt.gov.au/lands/building/boards/plumbers</a>                               |
| <b>Insurance:</b>                           | Territory Insurance Office<br>Ph: 1300 301 833<br><a href="http://www.tiofi.com.au">www.tiofi.com.au</a>  |
| <b>Consumer Affairs:</b>                    | Ph: (08) 8999 1999 or 1800 019 319<br>SMS: 0401 116 801<br>Email: <a href="mailto:consumer@nt.gov.au">consumer@nt.gov.au</a>  |



## 14.2 Evidence of Building Contract

Northern Territory of Australia  
*Building Act*

# EVIDENCE OF BUILDING CONTRACT

### TO THE BUILDING CERTIFIER

NAME OF BUILDING CONTRACTOR

REGISTRATION NUMBER

NAME OF PROPERTY OWNER

I / We, the undersigned, hereby certify that a contract for the building work has been entered into in accordance with section 48B of the *Building Act* for the following:

LOT NUMBER

LOCATION

e.g. Town of Darwin

PROPERTY  
ADDRESS

DATE OF CONTRACT:

### DETAILS OF BUILDING WORK TO BE UNDERTAKEN (please select)

Construction of a Class 1a Building  
(Reg41G(1)(a) of the *Building Regulations*)

Alterations to Existing Class 1a dwelling  
which increases floor area (Reg41G(1)(a)  
of the *Building Regulations*)

Construction of a Class 1a & 10 Building  
(Reg41G(1)(b) of the *Building Regulations*)

Construction of a Retaining Wall  
(Reg41G(1)(c) of the *Building Regulations*)

Signed  
at

this

of

SIGNATURE OF PRESCRIBED BUILDING CONTRACTOR

SIGNATURE OF OWNER

PRINT NAME

PRINT NAME

## 14.3 Inspection Certificate

Northern Territory of Australia  
*Building Act*

# INSPECTION CERTIFICATE

**BUILDING PERMIT NUMBER**

**PROPERTY ADDRESS**

**Number Street Name**

**Suburb**

**State**

**Postcode**

**LOT/PORTION NUMBER**

**LOCATION CODE**

### Description of Inspection Stage

  

**Date of Inspection**

I \_\_\_\_\_ certify that the building work has been inspected at this required stage as listed on the building permit and I am satisfied that all reasonable care has been taken to ensure that works associated with this inspection has, in all material respects, been carried out in accordance with the *Building Act*.

**Firm/Company Name**

**Registration Number**

**Signature**

**Date**

## 14.4 Final Inspection Certificate

Northern Territory of Australia  
*Building Act*

# FINAL INSPECTION CERTIFICATE

**BUILDING PERMIT NUMBER**

**PROPERTY ADDRESS**

**Number Street Name**

**Suburb**

**State**

**Postcode**

**LOT/PORZION NUMBER**

**LOCATION CODE**

### Description of Building Works

  

**Date of Inspection**

I \_\_\_\_\_ certify that the building work has been inspected at the required stages as listed on the building permit and I am satisfied that, associated with these required inspections all reasonable care has been taken to ensure that:

- (a) the building work carried out under the building permit –
- has been completed; and
  - complies in all material respects with the *Building Act*: and
- (b) all directions (if any) given under the *Building Act* have been complied with.

**Firm/Company Name**

**Registration Number**

**Signature**

**Date**

## 14.5 Builders Declaration

Northern Territory of Australia  
*Building Act*

# BUILDERS DECLARATION

I (insert name) hereby declare, pursuant to section 69 of the *Building Act* that I carried out or was in charge of carrying out building work for the \*construction/demolition /removal of <insert description of building work> approved under building permit no. <insert building permit no.> issued on <insert date issued> and that the building work has been carried out in accordance with the building permit granted in respect of the building work.

**LOT  
NUMBER**

**LOCATION**  
eg Town of Darwin

**PROPERTY  
ADDRESS**

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Signature – Builder/Building Contractor Residential/Owner-Builder

\_\_\_\_\_  
Print name

**\*REGISTRATION NUMBER/OWNER BUILDER  
CERTIFICATE NUMBER (if applicable)**

\* cross out if not applicable

14.6 S.40 Certificate

**NORTHERN TERRITORY OF AUSTRALIA  
BUILDING ACT 1993  
SECTION 40 CERTIFICATE OF COMPLIANCE**

**DESIGN / CONSTRUCTION**  
(Delete as appropriate)

Practitioner's Name .....

Category of Registration ..... NT Registration Number .....

Lot Number ..... Street Name.....

Town/Hundred .....

Description of Works .....

.....

.....

Documents attached (to include schedule of inspections) .....

.....

Class of Building ..... \*Type of Construction .....

Regional Basic Design Wind Velocity ..... \*Terrain Category .....

Internal Pressure Co-efficient ..... \*Safe Foundation Bearing Capacity.....

*\*complete or attach if appropriate*

Comments / Exclusions \*

.....

.....

.....

*\*Exclusions to this Certificate must be clearly identified.*

**CERTIFICATION**

I hereby certify that the works described above have been designed/completed in accordance with the requirements of the building code of Australia and the Northern Territory Building Regulations.

.....  
Signature

.....  
Date

# 14.7 Notice of Appeal

Northern Territory of Australia  
*Building Act*

## NOTICE OF APPEAL

### SECTION 1 PROPERTY DETAILS

|                         |                      |   |                      |
|-------------------------|----------------------|---|----------------------|
| <b>LOT NUMBER</b>       | <input type="text"/> | <b>LOCATION</b>                               | <input type="text"/> |
|                         |                      | e.g. Town of Darwin                           |                      |
| <b>PROPERTY ADDRESS</b> | <input type="text"/> |   |                      |
|                         | <input type="text"/> |   |                      |
| <b>USE OF BUILDING</b>  | <input type="text"/> |   |                      |
| <b>CLASS(es)</b>        | <input type="text"/> | <b>BUILDING PERMIT NUMBER (if applicable)</b> | <input type="text"/> |

### SECTION 2 GROUNDS FOR APPEAL (Tick which is applicable)

- Appeal in relation to the effect of the regulations or the manner in which the regulations are to be or have been complied with - section 19(1) (a) (i) of the *Building Act*.
- Appeal against a Building Certifier's or the Director's determination (protection of adjoining property) - section 82 of the *Building Act*.
- Appeal against an emergency order issued by the Director - section 104 of the *Building Act*.
- Appeal against a Building Order issued by the Director or Building Certifier - section 124 of the *Building Act*.

### SECTION 3 APPLICANT

|                          |                      |                   |                      |
|--------------------------|----------------------|-------------------|----------------------|
| <b>NAME of APPLICANT</b> | <input type="text"/> |                   |                      |
| <b>POSTAL ADDRESS</b>    | <input type="text"/> |                   |                      |
|                          | <input type="text"/> |                   |                      |
| <b>PHONE NUMBER</b>      | <input type="text"/> | <b>FAX NUMBER</b> | <input type="text"/> |
| <b>MOBILE NUMBER</b>     | <input type="text"/> | <b>EMAIL</b>      | <input type="text"/> |

### SECTION 4 OTHER PARTIES (LIST ALL)

|                       |                      |                   |                      |
|-----------------------|----------------------|-------------------|----------------------|
| <b>NAME</b>           | <input type="text"/> |                   |                      |
| <b>POSTAL ADDRESS</b> | <input type="text"/> |                   |                      |
|                       | <input type="text"/> |                   |                      |
| <b>PHONE NUMBER</b>   | <input type="text"/> | <b>FAX NUMBER</b> | <input type="text"/> |
| <b>MOBILE NUMBER</b>  | <input type="text"/> | <b>EMAIL</b>      | <input type="text"/> |

**OTHER PARTIES DETAILS (Continued)**

|                       |  |                   |  |
|-----------------------|--|-------------------|--|
| <b>NAME</b>           |  |                   |  |
| <b>POSTAL ADDRESS</b> |  |                   |  |
|                       |  |                   |  |
| <b>PHONE NUMBER</b>   |  | <b>FAX NUMBER</b> |  |
| <b>MOBILE NUMBER</b>  |  | <b>EMAIL</b>      |  |

**SECTION 5 DECLARATION**

I hereby make application to appeal a matter, details of which are listed above.

Signed Applicant \_\_\_\_\_ Date / /

Print Name \_\_\_\_\_

**PRIVACY**

The Building Appeals Board of the Northern Territory (NT) is collecting the information on this form to determine the appeal, in accordance with the provisions of the *Building Act*. The Building Appeals Board collects personal information in accordance with the Department of Planning & Infrastructure's privacy statement available at <http://www.dpi.nt.gov.au/copyright/privacy.html> and adheres to the privacy legislation contained within the *Information Act* (NT). Personal information provided on this form can be accessed by you. For more information please contact the Registrar, Building Appeals Board on 8999 8964.

**SECTION 6 PAYMENT OF FEES**

The application fee is:-

- \$100 per appeal for Class 1,2 (maximum 3 residential storeys) and 10 buildings, or
- \$200 per appeal for all other buildings.

The fee is payable either by cheque made payable to the "Receiver of Territory Monies" (RTM), by credit card or cash (lodging in person only- DO NOT SEND CASH VIA MAIL).

**Payment Details**

A cheque for \$\_\_\_\_\_ is enclosed OR

Please debit my  VISA  MasterCard  Bankcard For \$\_\_\_\_\_

|  |  |  |  |
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|--|--|--|--|

Credit Card Number

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Expiry Date

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|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

Card holder name \_\_\_\_\_

Card holder signature \_\_\_\_\_ Date / /

**FOR OFFICE USE ONLY**

Receipt  Date

Amount  Received By

## SECTION 7 ATTACHMENTS

This appeal must be accompanied by 3 complete sets of

1. Drawings, including a floor plan and elevations to minimum scale of 1:100 and a site plan to minimum scale of 1:1500. All Drawings must clearly identify the subject of the appeal and also show all new and existing building work(s).
2. The nature of the appeal or dispute.
3. Supporting reasons for the appeal.
4. A complete copy of all covenants or encumbrances on the title of the subject property.
5. Other relevant information where appropriate (eg photographs, comments, reports etc).

## SECTION 8 SUBMITTING

The completed form, attachments and fee should be addressed to The Registrar, Building Appeals Board and

POSTED TO  
GPO Box 1680  
DARWIN NT 0801

OR

LODGED IN PERSON (Monday- Friday 8.00am -4.00pm)  
Ground Floor, Cavenagh House  
38 Cavenagh St  
DARWIN  
Phone 8999 8965

First Floor, Alice Springs Plaza  
36 Todd St (Cnr Todd Mall & Parsons St)  
ALICE SPRINGS  
Phone 8951 9235

First Floor, Government Centre  
5 First St  
KATHERINE  
Phone 8973 8926

33 Leichhardt St  
TENNANT CREEK  
Phone 8951 9235 (Alice Springs)

NOTE applications cannot be accepted by facsimile.

**Notification to other party:** Pursuant to Regulation 26(2) of the *Building Regulations* the applicant **MUST** serve a copy of this appeal on the other party to the appeal within 2 days of lodging the appeal. Penalty Up to \$10,000, plus \$1,000 per day.

# 14.8 Request for a Certified Copy

Northern Territory of Australia  
Building Act

## REQUEST FOR A CERTIFIED COPY

**Note: Application may only be made for a document that is given, issued or served by the Minister or the Director of Building Control.**

**NAME OF APPLICANT**

**DAY TIME PHONE NUMBER**

**POSTAL ADDRESS**

I hereby request certified copies of the following documents pursuant to Section 166A of the *Building Act*.

### DOCUMENTS REQUIRED

|  |
|--|
|  |
|  |
|  |

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_  
Signature

A fee of \$50 plus \$1.50 per page is applicable for this request. The \$50 fee is to be paid upon lodgement of the request. Applications should be addressed to the Director of Building Control and either posted to GPO Box 1680 Darwin NT 0801 or delivered to the Building Advisory Services Branch of the Department of Planning and Infrastructure in Darwin, Katherine or Alice Springs.

Once the documents are ready for collection we will contact you on the above number to advise the additional fee and arrange payment. **PLEASE NOTE** that if the documents requested do not exist or are unavailable, there will be no refund of fees already paid.

A cheque for \$50 is enclosed OR

Please debit my  VISA  MasterCard  Bankcard For \$50.00

Credit Card Number

Expiry Date

\_\_\_\_\_  
SIGNATURE OF CARD HOLDER

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

### FOR OFFICE USE ONLY

Receipt

Date

Amount

Received By

# 14.9 Application for Occupancy Permit

Northern Territory of Australia  
*Building Act*

## APPLICATION FOR OCCUPANCY PERMIT

|                          |                      |  |                      |                          |               |
|--------------------------|----------------------|--|----------------------|--------------------------|---------------|
| <input type="checkbox"/> | WHOLE BUILDING       | <input type="checkbox"/>                     | PART OF BUILDING     | <input type="checkbox"/> | CHANGE OF USE |
| BUILDING PERMIT NUMBER   | <input type="text"/> | NAME OF CERTIFIER WHO ISSUED BUILDING PERMIT | <input type="text"/> |                          |               |
|                          |                      | REGISTRATION NUMBER                          | <input type="text"/> |                          |               |

### SECTION 1 DETAILS OF PROPERTY

|                           |                      |                                 |                      |
|---------------------------|----------------------|---------------------------------|----------------------|
| LOT/PORTION NUMBER        | <input type="text"/> | LOCATION<br>e.g. Town of Darwin | <input type="text"/> |
| PROPERTY ADDRESS          | <input type="text"/> |                                 |                      |
|                           | <input type="text"/> |                                 |                      |
| NAME of REGISTERED OWNERS | <input type="text"/> |                                 |                      |

### SECTION 2 APPLICANT

**Note** a person should not act as an agent for the owner unless they have been authorised in writing by the owner to do so.  
Penalty \$1,000

|                       |                      |                     |                      |
|-----------------------|----------------------|---------------------|----------------------|
| NAME of APPLICANT     | <input type="text"/> |                     |                      |
| DAY TIME PHONE NUMBER | <input type="text"/> | MOBILE PHONE NUMBER | <input type="text"/> |
| FAX NUMBER            | <input type="text"/> | EMAIL ADDRESS       | <input type="text"/> |
| POSTAL ADDRESS        | <input type="text"/> |                     |                      |
|                       | <input type="text"/> |                     |                      |

### SECTION 3 DESCRIPTION OF WORK

Please provide a brief description of the work

|                      |
|----------------------|
| <input type="text"/> |
| <input type="text"/> |
| <input type="text"/> |

### SECTION 4 DECLARATION

I hereby :-

- apply for occupancy permit pursuant to Section 67 of the *Building Act* in relation to the above building works,
- accept that failure to supply information required on this form may delay processing of this application;

Dated this \_\_\_\_\_ . Day of \_\_\_\_\_ 20\_\_\_\_\_ .

|                      |
|----------------------|
| <input type="text"/> |
|----------------------|

SIGNATURE

|                      |
|----------------------|
| <input type="text"/> |
|----------------------|

PRINT NAME

**SECTION 5 DOCUMENTATION Section 69A**

The following documents must be attached to this application:-

- Section 40 certificates relied upon
- Section 63 inspection certificates issued
- Certificate of Compliance under section 69 of *Electricity Reform Act* (if applicable)
- Section 69A Copy of relevant planning or other prescribed consent
- Section 69A Other prescribed documents (Termite Certificates, Truss Certificates etc)
- Section 69 builder declaration

**PRIVACY**

The Director of Building Control is authorised under the Building Act to collect the information on this form or otherwise provided by you, to issue an occupancy permit. Any information you provide is on a voluntary basis but is needed to process your application. Some of the personal information provided by you on this application will be publicly available, as part of a Public Register. The information is regularly provided to other NT Government agencies, local government, Australian Valuation Office and Australian Bureau of Statistics. This information is used for Conveyancing, local government, valuation, statistical, administrative and other purposes. The Department of Planning & Infrastructure also sells or licences extracts of information to commercial organisations engaged in development and Construction.

If you wish your personal information to be excluded from these extracts please tick this box

Your personal information provided in this application and entered in the register can be accessed by you. The privacy statement for the Department of Planning and Infrastructure is available via the internet at [www.ipe.nt.gov.au/copyright/privacy](http://www.ipe.nt.gov.au/copyright/privacy). If you have any queries please contact the Director Building Advisory Services on 8999 8957.

# 14.10 Application for Building Permit

Northern Territory of Australia  
Building Act

## APPLICATION FOR BUILDING PERMIT

NEW APPLICATION     
  AMENDED APPLICATION     
  STAGED APPLICATION

### SECTION 1 DETAILS OF PROPERTY

**LOT/PORTION NUMBER**      
 **LOCATION**   
 e.g. Town of Darwin

**PROPERTY ADDRESS**

**REGISTERED OWNER/S**

### SECTION 2 APPLICANT

**Note** a person should not act as an agent for the owner unless they have been authorised in writing by the owner to do so.  
Penalty \$1,000

**NAME of APPLICANT**  
 If a company provide a contact name

**DAY TIME PHONE NUMBER**      
 **MOBILE PHONE NUMBER**

**FAX NUMBER**      
 **EMAIL ADDRESS**

**POSTAL ADDRESS**

### SECTION 3 DESCRIPTION OF WORK

#### TYPE OF CONSTRUCTION ACTIVITY

|                       |                            |             |                            |
|-----------------------|----------------------------|-------------|----------------------------|
| New                   | <input type="checkbox"/> 1 | Conversions | <input type="checkbox"/> 4 |
| Additions/Alterations | <input type="checkbox"/> 2 | Demolition  | <input type="checkbox"/> 5 |
| Repairs & Maintenance | <input type="checkbox"/> 3 | Removal     | <input type="checkbox"/> 5 |

Please provide a brief description of the work and intended use

#### BUILDING CLASSIFICATION

**Class of Building** (BCA Part A3)

|                             |                            |                             |                             |                              |
|-----------------------------|----------------------------|-----------------------------|-----------------------------|------------------------------|
| 1a <input type="checkbox"/> | 3 <input type="checkbox"/> | 6 <input type="checkbox"/>  | 8 <input type="checkbox"/>  | 9c <input type="checkbox"/>  |
| 1b <input type="checkbox"/> | 4 <input type="checkbox"/> | 7a <input type="checkbox"/> | 9a <input type="checkbox"/> | 10a <input type="checkbox"/> |
| 2 <input type="checkbox"/>  | 5 <input type="checkbox"/> | 7b <input type="checkbox"/> | 9b <input type="checkbox"/> | 10b <input type="checkbox"/> |

New floor area in square metres  
 (include verandahs/attached carport if covered by this certification)

Value of Building Work GST inclusive  
 (excluding plumbing)

The value of building work must be the contract price or if there is no contract the cost of all materials and labour including GST.

Heritage Conservation. Does Heritage Conservation Legislation affect this land?

Yes (attach details)  No

**SECTION 4 BUILDER**

**OWNER BUILDER** YES  NO

CERTIFICATE NO.

A copy of the owner-builder certificate and insurance needs to be attached to this application.

**BUILDING CONTRACTOR RESIDENTIAL** YES  NO

REGISTRATION NUMBER

If a registered building contractor residential is carrying out the work please attach details of the required insurance and the completed contract declaration.

Please note that if you change building contractors you must advise your building certifier in writing no later than 14 days after engaging the new building contractor.

**SECTION 5 BUILDERS DETAILS**

**NAME of BUILDER**

e.g. Owner-builder/building contractor residential or builder

**FIRM or COMPANY NAME (if applicable)**

**DAY TIME PHONE NUMBER**  **MOBILE PHONE NUMBER**

**FAX NUMBER**  **EMAIL ADDRESS**

**POSTAL ADDRESS**

**SECTION 6 PLUMBING DESIGN**

**REGISTRATION NUMBER**

**NAME of PLUMBER / DESIGNER**

Value of Plumbing Work GST Inclusive

Septic Tank Installation Yes  No

If yes - Source of Water e.g. mains/bore/roof  Size of Septic Tank  litres

**SECTION 7 CONSTRUCTION DETAILS**

**TYPE OF BUILDING** (Tick one box only)

- |                      |                          |    |                   |                          |    |                        |                          |    |
|----------------------|--------------------------|----|-------------------|--------------------------|----|------------------------|--------------------------|----|
| Separate House       | <input type="checkbox"/> | 11 | Townhouse         | <input type="checkbox"/> | 21 | Flats/Apartments/Units | <input type="checkbox"/> | 23 |
| Kit House            | <input type="checkbox"/> | 12 | 1 storey          | <input type="checkbox"/> | 21 | 1 or 2 Storey          | <input type="checkbox"/> | 23 |
| Transportable House  | <input type="checkbox"/> | 19 | Townhouse         | <input type="checkbox"/> | 22 | Flats/Apartments/Units | <input type="checkbox"/> | 24 |
| Other                | <input type="checkbox"/> |    | 2 or More Storeys | <input type="checkbox"/> | 22 | 3 Storey               | <input type="checkbox"/> | 24 |
| <input type="text"/> |                          |    |                   |                          |    | Flats/Apartments/Units | <input type="checkbox"/> | 25 |
|                      |                          |    |                   |                          |    | 4 or More Storeys      | <input type="checkbox"/> | 25 |

(Townhouses have own front and/or backyard. Flats, units and apartments share surrounding land in common.)

Number of dwellings, townhouse, flats, units or apartments

**MAIN MATERIALS USED IN CONSTRUCTION**

|                              |                      |       |
|------------------------------|----------------------|-------|
| <b>OUTER WALL</b>            |                      |       |
| Double Brick/ Masonary Block | <input type="text"/> | 11(8) |
| Veneer Brick/Masonry         | <input type="text"/> | 12(1) |
| Concrete/Stone               | <input type="text"/> | 20(3) |
| Fibre Cement                 | <input type="text"/> | 30(4) |
| Timber/Weatherboard          | <input type="text"/> | 40(2) |
| Steel                        | <input type="text"/> | 60(6) |
| Aluminium                    | <input type="text"/> | 70(7) |
| Other                        | <input type="text"/> | 80(5) |
| Not Applicable               | <input type="text"/> | 90(0) |

|                |                      |       |
|----------------|----------------------|-------|
| <b>ROOF</b>    |                      |       |
| Tile Clay      | <input type="text"/> | 10(1) |
| Tile Cement    | <input type="text"/> | 10(2) |
| Concrete/Slate | <input type="text"/> | 20(3) |
| Fibre Cement   | <input type="text"/> | 30(5) |
| Steel          | <input type="text"/> | 60(4) |
| Aluminium      | <input type="text"/> | 70(4) |
| Other          | <input type="text"/> | 80(5) |
| Not Applicable | <input type="text"/> | 90(0) |

**SECTION 8 DECLARATION**

I hereby :-

- Apply for building permit pursuant to section 56 of the *Building Act* to construct/demolish/remove building work in accordance with the accompanying plans ;
- Accept that failure to supply information required on this form or otherwise required for this application may delay processing of this application.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Signature – Applicant

**SECTION 9 BUILDING CERTIFIER TO COMPLETE**

**PERMIT NUMBER**

**DATE ISSUED**

**REGISTRATION NUMBER**

**NAME of CERTIFIER**

\_\_\_\_\_  
Signature – Certifier

**PRIVACY**

The Director of Building Control is authorised under the Building Act to collect the information on this form or otherwise provided by you, to issue a building permit. Any information you provide is on a voluntary basis but is needed to process your application. Some of the personal information provided by you on this application will be publicly available, as part of a Public Register. The information is regularly provided to other NT Government agencies, local government, Australian Valuation Office and Australian Bureau of Statistics. This information is used for Conveyancing, local government, valuation, statistical, administrative and other purposes.

The Department of Planning & Infrastructure also sells or licences extracts of information to commercial organisations engaged in development and construction. If you wish your personal information to be excluded from these extracts please tick this box.

Your personal information provided in this application and entered in the register can be accessed by you. The privacy statement for the Department of Planning and Infrastructure is available via the internet at [www.ipe.nt.gov.au/copyright/privacy](http://www.ipe.nt.gov.au/copyright/privacy). If you have any queries please contact the Director Building Advisory Services on 8999 8957.

## 14.11 Authority to access building records



### DEPARTMENT OF PLANNING AND INFRASTRUCTURE

#### BUILDING REGULATIONS – CLAUSE 15

### AUTHORITY TO ACCESS BUILDING RECORDS

|  |   |
|--|---|
| <p>Property Address: Lot _____ No _____ Street _____</p> <p>Town/Hundred: _____</p> <p>Owner Name/s: _____</p> <p>Owner Address: _____</p> <p>Postal Address: _____</p>  | <p><b>PLEASE<br/>PRINT<br/>CLEARLY</b></p>  |
| <p>Consent is given to:</p> <p>_____</p> <p><i>(Print: Name of person and /or company. If company - must have a letter of authorisation from Director/<br/>Manager on company letterhead)</i></p> <p>To view and obtain copies of information contained in building and plumbing files held by the Department of Planning &amp; Infrastructure, subject to the undertaking that records or documents will not be marked or removed from the file and that access and/or copies obtained is in relation to the improvements erected upon the property.</p> <p><b>Note:</b> This authority is valid for a period of six (6) months from the date shown below.</p> <p>_____</p> <p>Signature of Owner/s</p> <p>_____</p> <p>Print name of Owner/s</p> <p>Date: _____</p> <p>For the purpose of this authority to access building file records, unless otherwise approved, authorised agents are limited to solicitors, real estate agents, Conveyancing agents, lending institutions and others who have written authority from the Owner or Company Director authorising such access.</p> <p><b>Note:</b> <b>This form must be signed by the property owner.</b><br/>A copy of the owner's authority will need to be produced.</p> | <p><b>Applicable Fees:</b></p> <p><b>\$1.50</b> per sheet for A3 or A4 size photocopies; and</p> <p><b>\$5.00</b> per sheet for each larger size photocopy.</p> |

*Enquiries regarding use of this form should be directed to: Building Advisory Services Branch*

DARWIN  
Ground Floor, Cavenagh House  
38 Cavenagh Street  
DARWIN NT 0800

Ph: 8999 8966 or 8999 8985

KATHERINE  
First Floor, Government  
Centre, First Street  
KATHERINE NT 0850

Ph: 8973 8926

TENNANT CREEK  
Transport and Works Building  
Leichardt Street  
TENNANT CREEK NT 0860

Ph: 8962 4523

ALICE SPRINGS  
First Floor, Alice Springs Plaza  
Cnr Todd Mall and Parsons St  
ALICE SPRINGS NT 0870

Ph: 8951 9235