

As at 10/01/12

## Fact Sheet 10: Building inside and outside Building Control Areas

### Building Control Regimes

Building works throughout the Northern Territory are managed under two regimes – statutory and contractual. Both have the same objective of ensuring buildings are safe and provide a reasonable standard of amenity for the community. A table at the end of this fact sheet provides details of the different certification requirements.

### Building Control Areas

The first regime is **statutory** building certification through the *Building Act* and Regulations. The Regulations adopt the Building Code of Australia (BCA) as the minimum standard of acceptable construction methods. It applies in declared building areas which are generally urban areas where land is held in individual freehold titles that are readily bought and sold.

To see if your property is within a building control area, please check the following website address:

<http://www.nt.gov.au/lands/building/regulations/areas/index.shtml>

### Outside Declared Building Control Areas

If an area of land falls outside a declared Building Control Area, Parts 4 to 13 (inclusive) of the *Building Act* do **NOT** apply, i.e. you don't need a building permit, insurance etc prior to construction. This applies to freehold land, most Indigenous communities, pastoral properties, some mining towns (for example, Nhulunbuy), mining sites, and resorts in remote locations that are outside declared Building Control Areas.

In these areas, the second building regime based on a **contractual** arrangement applies in that when undertaking building work or engaging others to undertake such works any

building contract should be conditional on any building works meeting the BCA standard.

Wherever possible outside of declared building areas, the NT Government when funding or undertaking building requires them to be carried out in accordance with the BCA. This can be achieved through conditions on funds, land leases, and building contracts. For example, for NT Government projects outside declared Building Control Areas the Department of Construction and Infrastructure often requires Building Certifiers to issue Letters of Compliance, which include similar information to an Occupancy Permit.

Other government and corporate/statutory entities (including the Commonwealth, local government, land councils, Indigenous corporations, resort developers, pastoral companies, and mining corporations) are encouraged to adopt a policy similar to the one above.

If you are considering building a house outside a declared Building Control Area it is suggested that you consider engaging a registered builder who contractually commits to build in accordance with the BCA. NT Consumer Affairs recommends that you should always have a written contract or agreement that includes plans and specifications for works, items to be supplied, the amount agreed upon, full details on progress payments and full contact details of the builder including an address and an Australian Business Number (ABN). Also, if applicable, check with your financial institution to see what its requirements may be before signing any contracts.

As the builder or building certifier is not required or permitted to lodge any paperwork with the Director of Building Control for works outside a declared Building Control Area, it is important for you to retain copies of certificates of inspection and other contract-related documents in a safe place. These documents will help you to establish that all the building work has been properly performed should you wish to sell your home in the future or if a defect in the work becomes apparent at a later stage.

The table below shows a summary of the requirements of building in different areas of the Northern Territory:

✓ = required ✗ = not required 👍 = recommended

Location	Registered builder	Building Permit	Mandatory Inspections	Builder's declaration	Occupancy Permit	Insurance	BCA Compliance
Tier 1 (Greater Darwin, Lake Bennett & Alice Springs)	✓	✓	✓	✓	✓	✓	✓
Tier 2 (All other Building Control Areas)	✓	✓	✗	✓	✗	✓	✓
Undeclared building areas	👍	✗	✗	👍	✗	✗	👍

### Additional information

For further information on how to get building approval and if you need a contract; building permit; insurance or a registered builder, please view this Department's fact sheet at:

<http://www.nt.gov.au/lands/building/regulations/factsheets/documents/1BuildApproval.pdf>

The Department's publication 'Building and Renovating in the NT. A Consumer Guide' may also be assistance and can be downloaded at:

<http://www.nt.gov.au/lands/building/renovating>

For further information about building rules and regulations contact the Building Advisory Services Branch in your region, or visit <a href="http://www.nt.gov.au/building">www.nt.gov.au/building</a>			
<b>DARWIN</b> Ground Floor, Cavenagh House 38 Cavenagh Street DARWIN NT 0800 Ph: 8999 8985 or 8999 8966	<b>KATHERINE</b> 1 <sup>st</sup> Floor, Government Centre First Street KATHERINE NT 0850 Ph: 8973 8926	<b>TENNANT CREEK</b> DCI Complex Front Admin Building 33 Leichardt Street TENNANT CREEK NT 0860 Ph: 8951 9235 (Alice Springs)	<b>ALICE SPRINGS</b> First Floor, Alice Springs Plaza Todd Mall / Parsons St ALICE SPRINGS NT 0870 Ph: 8951 9235