

# Rebuilding in areas affected by bushfires



## fact sheet

This fact sheet has been prepared to help people affected by the recent bushfires understand what they need to do to get approval to repair or rebuild their damaged buildings. The fact sheet is for information purposes only and your architect, builder, Council or building surveyor can provide a more detailed explanation of the approval process and technical requirements.

### Will I need to get approval to rebuild my buildings?

Development approvals are required for all developments, including rebuilding work, and they are granted by your Council. These approvals are made up of two parts: a Development Plan Consent and a Building Rules Consent, which demonstrate that your building design meets planning and building requirements.

You may or may not need a Development Plan Consent depending on what and where you are planning to build. If what you are building is substantially what you had before in terms of location, layout and appearance then it may be referred to as a 'Complying Development' and must be given Development Plan Consent by the Council<sup>1</sup>.

Building Rules Consent is required for all proposed building work, including renovations and additions to existing homes; building new homes, carports, verandahs and pools; and when making internal alterations and structural changes to an existing building. This ensures that your building meets current safety standards. This is for your protection and that of any future owners.

The demolition of existing buildings or parts of buildings is also classed as 'development' that requires Development Approval as will the construction of water tanks and sheds, depending on their size and/or location.

Simple building rectification work may also need to be approved. If the damage to your home is not very great (such as smoke damage) and it needs to be restored, you will not require approval to fix the damage. However, if the damage is so extensive that the building needs to be demolished and rebuilt, or if its structure has been weakened, you will need to get approval before starting work

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<sup>1</sup> Does not apply to 'high' bushfire risk areas.

The effects of fire are not always obvious; therefore it may be a good idea to have your home inspected by a Council building surveyor, private building surveyor or professional engineer to check that it is still structurally sound.



*images courtesy of Country Fire Service*

## What information is required for the Development Approval process?

Depending on the risk posed by the location of a building destroyed by a bushfire, you should consider resiting your building in a less vulnerable position on the site. If you intend to build in another location or you are substantially changing your home in layout and appearance, then you will need to obtain a Development Plan Consent from your Council.

To obtain a Development Plan Consent you will need to provide the following information:

- what building work you want done
- where the building will be located
- how you will enter your block
- what the slope of your block is
- how water will drain off your block.

This information must be indicated on the documentation submitted to the Council for its approval, which should include a site plan, floor plan and elevations of your proposed building work. If you are unsure whether you need a Development Plan Consent for what you are proposing to build, you should contact your Council for advice.

For assessing any proposed rebuilding or rectification work for Building Rules Consent, the Council or a private certifier will require the following information:

- a soil report
- structural details such as footing layouts and steel reinforcement details
- a site plan
- floor plan/s
- elevations
- construction details
- the quality of the work to be constructed.

## Who can help me prepare the Development Plan Consent and Building Rules Consent applications?

You will need to employ an appropriately qualified person to prepare the necessary documents for submitting for the necessary consents and approval. If the building is a project home or a transportable building, your builder will normally prepare these documents; otherwise your architect or building designer will prepare them.

## Are there costs to obtain Development Approval?

Fees are payable for the various processes involved in obtaining a Development Approval. However, under special circumstances such as the reconstruction of buildings destroyed or damaged by bushfires, relevant authorities and the Government may offer concessions on the amount of fees payable.

To find out what concessions or exemptions are available to you for a bushfire reconstruction project, you should contact your Council or private certifier.

## Are there any special requirements for building in bushfire risk areas?

Bushfire risk areas are mapped as General, Medium or High in Council Development Plans, which are available to view online through the [www.sa.gov.au](http://www.sa.gov.au) website. To find out which one of these may apply to your particular site you can also use the online Bushfire Portal Application at [www.sa.gov.au](http://www.sa.gov.au) or contact your Council.

Once you know which bushfire risk area your site is located in, you can determine what specific planning and building requirements.

If your building is in an area identified as a general, medium or high bushfire risk area, you will need to provide a dedicated water supply which can be used for fire fighting purposes during a bushfire.

If you are in a 'high' bushfire risk area, your application for development plan consent may be referred to the Country Fire Service (CFS) for an assessment of access onto and around the site and the location of water available for fire fighting purposes.

There are also additional requirements for the construction of buildings in general, medium or high bushfire risk areas that are required under the National Construction Code, Minister's Specification SA78 and referenced Australian Standards.



## Are there any other approvals required?

Yes, you may need to get approval for a wastewater treatment method, such as a septic system if your existing system needs to be replaced. Also, if your new home has more bedrooms and bathrooms than your previous home, or if a dishwasher or spa bath is now included (when you didn't have one before), the wastewater treatment system may need to be upgraded and approval will be needed for this. If the existing waste plumbing was damaged and needs to be replaced you will need to discuss this with the health officers at Council. You may have to pay a fee for this service.

## How much time will it take before I get my Development Approval?

It generally takes 4-7 weeks to receive Development Approval. However, it can take longer if the site you've chosen for your new building is located within a 'high' bushfire risk area. When you get your approval it will be called a Development Approval and it may contain conditions that you will need to comply with.

## Once I've got my Development Approval do I have to start work straight away?

No, but you have to begin building work within 12 months and it must be finished within 3 years from the date of approval or the approval will lapse. If you wish to extend these times you'll need to discuss this with Council.

## Once I've got my Development Approval, do I have to do anything more before I start to build?

Yes, you have to make sure your builder has a current building work contractor's licence<sup>2</sup> and has the required indemnity insurance.



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<sup>2</sup> According to the *Building Work Contractors Act 1995* any person who carries on the business of performing building work for others must have a building work contractor's licence. When hiring a building work contractor ask to see this licence that will show the licence number, qualifications and any restrictions on the type of work the building work contractor is licensed to perform.

## Do I have to have a written contract with my builder?

If your new home or repair to your old home is going to cost more than \$12,000 you will need a contract<sup>3</sup>.

The contract should include what everyone associated with the building work is responsible for and should say how and when you will pay for the work; when the work is expected to be completed; and, if things don't go according to plan, what will happen.

Also, if your new home or repair to your old home is going to cost more than \$12,000 then your builder must take out insurance to cover the work<sup>4</sup>. This insurance will cover you if the building work is not finished; faulty work isn't repaired; or if the builder dies, disappears or is declared bankrupt. A copy of this certificate of insurance must be handed into the Council and another must be sent to you to prove that an appropriate policy has been taken out.

If you have not selected a builder before you apply for Development Approval, then you must make sure that a copy of the builder's insurance certificate is sent to Council before the builder starts work.

## What if I hire subcontractors to do some of the work?

If you hire building work contractors (subcontractors or tradespeople) to work for you, you'll need to make sure they have the same licences, contracts and insurances as the builder needs. If you want to check someone's licences the details are available from <http://www.cbs.sa.gov.au>

## Who can supervise my building work?

You must use an approved and registered building work supervisor to supervise your building<sup>5</sup>.

In smaller building firms the licensed building work contractor may also be allowed to supervise the work. You may also wish to employ an independent person to supervise the work for you to make sure that the building work is done correctly.

## Do I need to advise the Council before starting building work?

Yes, your builder must tell the Council at least one working day before they start work that they are beginning and when they expect to finish.

## Will the Council inspect the building work during construction?

Council inspections are conducted randomly; therefore your building work may or may not be inspected.

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<sup>3</sup> As described in the *Building Work Contractors Act 1995*.

<sup>4</sup> As described in the *Building Work Contractors Act 1995*.

<sup>5</sup> As stated in the *Building Work Contractors Act 1995*.

### Further information:

Call: 1800 752 664

Email: [dpti.pdbuildingbranch@sa.gov.au](mailto:dpti.pdbuildingbranch@sa.gov.au)

Visit: [www.sa.gov.au](http://www.sa.gov.au)



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