

	<p style="text-align: center;"><i>Building and Swimming Pool Inspection Policy</i> Policy No. ENVPOL 03</p>	Version No:	4
		Responsible Officer/s:	Team Leader – Development Services
		Classification:	Council
		Issued:	16 September 2013
		Next Review:	July 2025

1. Purpose

This policy seeks to monitor the standard of building work within the District Council of Grant area and sets out Council's policy on the inspection of buildings and structures associated with development assessment activities in accordance with the *Planning, Development & Infrastructure Act 2016 (the PDI Act)* and the National Construction Code (**NCC**) of Australia.

2. Scope

This policy will apply to all Development Approvals issued for the Council area.

3. Policy Objectives

Section 144—*Inspection policies*, of the PDI Act requires, the State Planning Commission to issue practice directions that require Councils to carry out inspections of development undertaken in the Council area. The Commission has provided two practice direction in relations to Council inspection obligations.

Practice Direction 9 – *Council Inspections 2020*, can be found at:

https://plan.sa.gov.au/resources/planning/practice_directions/practice_direction_9_council_inspections_2020.

The objects of this practice direction are to:

- provide for occupant and public safety;
- maintain confidence and integrity in the development control system;
- the timing of inspections;
- the elements and buildings to be inspected; and
- whether to carry out additional inspections.

Practice Direction 8 - *Council Swimming Pool Inspections 2019*, can be found at:

https://plan.sa.gov.au/resources/planning/practice_directions/practice_direction_8_inspection_policy_for_swimming_pools_2019.

This practice direction:

- ensures that swimming pool safety features are installed according to the requirements for safe operation and use of swimming pools within the state.
- requires all councils in South Australia to carry out inspections of swimming pools for compliance with the requirements.

Councils must meet the following minimum requirements relating to the inspection of swimming pools, including all safety features such as safety fences and barriers.

Councils must inspect 100% of swimming pools and swimming pool safety features constructed over the course of the relevant reporting year within 2 weeks of the council being notified of the completion prescribed works.

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4. Criteria for selection of buildings to be inspected

Buildings will be selected for inspection in accordance with the following criteria:

- distribution between owner builders and registered builders.
- reputation of registered builder and previous experience with Council.
- local environmental factors in the area in which the building work is being undertaken (eg wind speeds, flooding, poor soil conditions).
- whether the building work was approved subject to conditions.
- any other reason determined by the relevant professional officer.

Where a building is selected for inspection it may be inspected at any stage of construction, and may be inspected more than once.

Where a complaint is made about the condition or use of a new or existing building, an excavation or construction work in progress, an inspection may be undertaken taking into account the urgency of the situation, and the availability of resources.

5. Levels of Inspection

Council will undertake inspections, as a minimum, of building work as follows:

5.1. General Building works

In accordance with Practice Direction 9 – *Council Inspections 2020*, can be found at:

https://plan.sa.gov.au/resources/planning/practice_directions/practice_direction_9_council_inspections_2020.

5.2. Swimming pools

In accordance with Practice Direction 8 - *Council Swimming Pool Inspections 2019*, can be found at:

https://plan.sa.gov.au/resources/planning/practice_directions/practice_direction_8_inspection_policy_for_swimming_pools_2019.

5.3. Building Rules Compliance

Additional inspections may be carried out subject to sufficient resources being available.

- Essential Safety Provision inspections prior to occupancy.
- dangerous structures as soon as they are identified.
- sites for which there is a report of non-compliance.

6. Liability

Council inspects building work in accordance with the objectives of this Policy and for the public good. Inspections are undertaken by the Council solely as a result of its duties under the Policy. Inspections are not carried out for the benefit of any past, current or

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future owner, occupier or neighbour of any building work and no legal relationship is created between the Council and any other such person as a result of the conduct of the inspections.

Section 99 provides that no act or omission in good faith in relation to a particular development by a council or an authorised officer after the development has been approved subjects that person or body to any liability.

Council does not accept any liability in relation to any inspection. In the event of any dispute with the Council as a result of an inspection, any conduct engaged in or statements or comments made by an officer of the Council with the intent of resolving or otherwise managing the dispute are not intended as, and are not to be taken as, any admission of responsibility or liability on the part of the Council.

7. Mandatory Notifications

Pursuant to Section 146 of the PDI Act and Regulation 93 of the PDI Regulations, a person undertaking building work must give Council notification at prescribed times during the work stages.

Notification during building may be required to be accompanied or supported by a statement (a statement of compliance) from a person who holds prescribed qualifications that the building work has been carried out in accordance with the requirements of the Act.

Council may require a building works contractor or person in charge of the building works to stop the building work when a mandatory notification stage has been reached pending an inspection by an authorised officer of Council.

All applicants will be advised of the relevant notifications stages in writing at the time of issuing the Development Approval. Stages of notification for building work will be listed on the Development Approval Decision Notification Form.

8. Monitoring and Reporting

Records will be kept of inspections and collated on a quarterly basis to account for the performance of Council in meeting the requirements of this policy.

9. Further Information

This policy will be available for inspection at the Council Offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's website at www.dccgrant.sa.gov.au.

324 Commercial Street West, Mount Gambier

Port MacDonnell Community Complex, 5 Charles Street, Port MacDonnell

Copies are available for purchase in accordance with Council's fees and charges register.

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Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer.

10. Responsibilities

Council's Building Staff/Officers are responsible for ensuring the requirements of this Policy are met.

11. References / Other Documents

11.1. Legislation

Planning, Development & Infrastructure Act 2016 (the PDI Act) and the National Construction Code (NCC) of Australia.

Planning, Development & Infrastructure Regulations (General) 2017

11.2. Other

National Construction Code series, Volume 1 and 2 Building Code of Australia

Practice Direction 8 - *Council Swimming Pool Inspections 2019*

Practice Direction 9 – *Council Inspections 2020*,

12. Review

This Policy shall be reviewed by the District Council of Grant at a minimum, once within every four (4) year Council term (or on significant change to legislation or other matters which could affect this policy).

Action	Date	Minute Reference
Adopted by Council	16 September 2013	13106.1
Amended	19 May 2014	14066.1
Amended	6 June 2016	16067.4.1
Minor formatting amendments	4 May 2020	Governance Officer
Amended	1 March 2021	21034.1