

	<b><i>Building and Swimming Pool Inspection Policy</i></b> <i>Policy No. ENVPOL 03</i>	<b>Version No:</b>	2.1
		<b>Issued:</b>	16 Sept 2013
		<b>Responsible Officer/s</b>	Fire Prevention/ Compliance Officer
		<b>Next Review:</b>	July 2019

### 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 Development Act 1993 and the National Construction Code of Australia.

### 2. Scope

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

### 3. Policy Objectives

Section 71A (1) of the Development Act requires Council to prepare and adopt a Building Inspection Policy which specifies:

- the level of audit inspections to be carried out within the Council area including buildings that have been privately certified for building rules consent; and
- the criteria that are to apply with respect to selecting the buildings that will be inspected under the policy.

Development Regulation (80AB) requires that this policy is applied in respect of Class 1 and 2 Buildings.

Council is empowered by the Development Act to inspect building work within its area. Such inspections aim to:

- detect building work which does not accord with a development approval (or exemption);
- detect building work or practices which do not accord with the requirements of the Development Act;
- detect buildings and building work which are unsafe; and
- gather the evidence necessary (a) to correct the situations listed above and (b) to take action as necessary against those responsible.

By undertaking such inspections and taking action to correct problems, Council aims to deter persons from undertaking building work except in accordance with a development approval (or exemption) and the requirements of the Development Act.

In preparing its Building and Swimming Pool Inspection Policy, Council has used a risk assessment approach, taking account of the following:

- the financial and human resources of the Council;
- the impact that failure to inspect a certain number of buildings of the relevant classes over a period of time may have on its local community;
- past practices of the Council with regards to inspections;
- whether particular parts of the Council area are known to be subject to poor building conditions;

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- information in the possession of Council on poor building standards within its area; and
- the public interest in monitoring the standard of building work within the community and in taking steps to provide for the safety and health of people who use the buildings.

#### **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:

Dwellings – new and additions

- 10% of all approvals for Class 1 and 2 buildings for which the Council receives notification including buildings where the Building Rules Consent has been issued by a Private Certifier.

Commercial Development

- 10% of all approvals for Class 3 to 9 buildings for which the Council receives notification including buildings where the Building Rules Consent has been issued by a Private Certifier.

Verandas/Carports/Sheds/Other Structures – Not attached to roof frame

- 10% of all approvals for Class 10a buildings
- 10% of all approvals for Class 10b approvals for retaining walls, fences, towers etc.

Swimming pools

Where the building work involves the construction of a swimming pool (including safety fences and barriers associated with such swimming pools) within the area of the Council:

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- a number of inspections equal to 100% of the pools constructed over the course of the year.

Of these:

- at least 80% of swimming pools will be inspected within 2 weeks of Council being notified of completion of the permanent swimming pool child-safety barriers;
- the remaining 20% of swimming pools will be inspected within 2 months of Council being notified of the completion of the permanent swimming pool child safety barriers.

Roof Trusses for all classes of buildings, including carports and verandahs where attached to a roof frame.

Buildings excluded from this requirement include Class 10 buildings (other than where attached to a roof frame), portal frame buildings (e.g. industrial sheds) and transportable buildings.

- for all Building Rules Consents falling into the above category the required inspection rates will be 66% where the work is carried out by a licensed builder and 90% where the work is carried out by an owner builder.

#### 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 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.

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## 7. Mandatory Notifications

Pursuant to Section 59 of the Development Act 1993 and Regulation 74(1) of the Development Regulations, a person undertaking building work must give Council notification during the following stages of work:

- one business day's notice of the intended commencement of building work on the site;
- one business day's notice of the intended commencement of the pouring of footings and other reinforcing steel works<sup>1</sup>.
- one business day's notice of the completion of wall and all roof framing forming part of the building work (including top and bottom chord restraints, bracing and tie-downs);
- one business day's notice of wet areas prior to tiling;
- one business day's notice of the completion of building work; and

For sites where the building work involves the construction of a swimming pool (including safety fences and barriers associated with such swimming pools):

- one business day's notice of intended commencement of building work on the site;
- one business day's notice of the completion of the construction of the swimming pool (before the pool is filled with water)<sup>2</sup>
- one business day's notice of completion of construction of a safety fence or barrier for a swimming pool.

In relation to some other form of building work where swimming pool safety features are relevant:

- one business day's notice of the completion of that aspect or those aspects of the building work relating to the swimming pool safety features.

All applicants will be advised of the relevant notifications in writing at the time of issuing the Development Approval.

## 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.

<sup>1</sup> Council may accept a certificate from an Engineer confirming compliance of the footing design.

<sup>2</sup> Refer to Building Advisory Notice 07/13

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## 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.dcgrant.sa.gov.au](http://www.dcgrant.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.

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

## 10. References

### State Legislation

Development Act 1993

Development Regulations 2008

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

## 11. Responsibilities

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

## 10. Review

This Policy shall be reviewed by the District Council of Grant at minimum every four (4) years, within 12 months of a general election (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