

BUILDING AND SWIMMING POOL INSPECTIONS POLICY

Internal Policy	
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Next Review	October 2027

1. POLICY STATEMENT

- 1.1 This policy seeks to monitor the standard of construction work with the Port Augusta City Council 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 and Infrastructure Act 2016 and the National Construction Code.

2. PURPOSE

2.1 Purpose

- 2.1.1 Under Section 144 of the Planning, Development and Infrastructure Act 2016 Council is required to comply with the requirements of the practice direction issued by the Commission:

- a) Practice Direction 8 states the requirements for all Swimming Pool Inspections of which have been notified within the specific reporting year.
- b) Practice Direction 9 states the inspection requirements of Class 1-9 buildings which have been notified of works within the specific reporting year.

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 buildings that will be inspected under the relevant Practice Direction.
whereas,

- 2.1.2 Council is empowered by the Planning, Development and Infrastructure Act 2016 to inspect building work within its area. Such inspections aim to:

- c) ensure building work complies with the relevant development approval (or exemption);
- d) detect building work or practices which do not accord with the requirements of the Planning, Development and Infrastructure Act 2016;
- e) detect buildings and building work which are unsafe; and
- f) gather the evidence necessary (a) to correct situations 1,2 and 3 above and (b) to punish 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 Planning, Development and Infrastructure Act.

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

- a) the financial and human resources of the Council;
- b) 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;
- c) past practices of the Council with regards to inspections;
- d) whether particular parts of the Council area are known to be subject to poor building conditions;

- e) information in the possession of Council on poor building standards within its area; and
- f) 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.

2.2 Scope

This policy will apply to all Development Approvals issued for the Council area. Council does not have the resources to inspect all buildings.

2.3 Strategic Reference

5. Governance and Financial Sustainability

5.5 We meet or exceed legislative and accreditation requirements for all relevant programs.

3. PRINCIPLES

3.1 Criteria for selection of buildings to be inspected:

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

- a) buildings which appear to be unsafe;
- b) buildings which ordinarily present a high risk to life safety, and in particular swimming pools;
- c) buildings which are used by many people, particularly where many people do so simultaneously;
- d) buildings which involve roof framing;
- e) buildings which are obliged to provide access to persons with a disability;
- f) buildings in respect of which a complaint has been made; and
- g) in the event that inspection of the foregoing buildings does not result in the prescribed minimum inspection levels being met, any other buildings.

3.1.2 Other criteria which may be taken into account by the relevant officer include:

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

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

3.1.4 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 will be undertaken within timeframes that take account of the urgency of the situation and the availability of resources.

3.2 Levels of Inspection

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

3.2.1 Dwellings - new and additions

- a) 66% of all approvals for Class 1 buildings for which the Council receives notification, including buildings where the Building Rules Consent has been issued by a Private Certifier.

3.2.2 Commercial Development

- a) 90% of all approvals for Class 2 to 9 buildings for which the Council receives notification including buildings where the Building Rules Consent has been issued by a Private Certifier.
- b) 50% of all Class 7b (farm buildings and farm sheds with a greater floor area than 500m²) of building work commenced in the relevant reporting year.

3.2.3 Verandahs/Carports/Sheds/Other Structures - not attached to roof frame

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

3.2.4 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:

- a) a number of inspections equal to 100% of building rules consents issued over the course of the year for building work involving the construction of swimming pools.
- b) at least 100% of swimming pools will be inspected within 10 days of Council being notified of completion of the permanent swimming pool child-safety barriers;

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

Buildings excepted from this requirement include Class 10 buildings (other than where attached to a roof frame), portal frame buildings (eg residential sheds) and transportable buildings.

- a) 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.

3.2.6 Building Rules Compliance

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

3.3 Counting Inspections

Inspections must be counted to determine whether minimum inspection levels are met. The first inspection of the building work forming part of any particular building is counted as one inspection.

Where building work forming part of a building is inspected at a particular stage, and problems are found, any re-inspection undertaken to determine whether the problems have been corrected does not count as an inspection. Rather, it is taken to be part of the immediately-prior inspection.

However, inspection of building work forming part of a building at a later stage is counted as a separate inspection, even if the building was inspected at an earlier stage.

3.4 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.

3.5 Mandatory Notifications

3.5.1 Pursuant to Section 146 of the Planning, Development and Infrastructure Act 2016 and Regulation 93 a person undertaking building work must give Council notification during the following stages of work:

- a) one business day's notice of the intended commencement of building work on the site;
- b) one business day's notice prior to the intended completion of the footings and reinforcement
- c) one business day's notice prior to the intended commencement of the pouring of the slab or concrete structure;
- d) one business day's notice of the completion of wall and roof framing;
- e) one business day's notice of wet areas prior to tiling;
- f) one business day's notice of the completion of building works;

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

- a) one business day's notice of intended commencement of building work on the site;
- b) one business day's notice of the completion of the construction of the swimming pool (before the pool is filled with water);
- c) one business day's notice of the completion of the entire Swimming Pool and safety features .

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

- a) 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.

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

3.6 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.

3.7 Grievances

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

3.8 Reporting

A quarterly report will be prepared and submitted to Management Group outlining inspection activities to account for the performance of Council in meeting the requirements of this Policy.

4. RESPONSIBILITY & REVIEW

4.1 Responsible Officer

Director Infrastructure

4.2 Availability

This policy will be available on Council's website.

4.3 Review

This policy will be reviewed within 12 months of a General Election for Local Government, or as required to meet other obligations.

5. REFERENCES

5.1 Legislation

Planning, Development and Infrastructure Act 2016
Planning, Development and Infrastructure (General) Regulations 2017
Local Government Act 1999
National Construction Code (NCC)

5.2 Other References

Class 1A Completed Inspections Checklist - AR21/52019
Class 2-9 Completed Inspections Checklist - AR23/9866
Class 10b Completed Inspections Checklist - AR21/52073
Practice Directions 8 & 9