

	STATUTORY POLICY	Policy #	5.2 / 9
	BUILDING & SWIMMING POOL INSPECTION	Last reviewed:	14 Oct 2015
		Next review	Oct 2018

File Reference:	5. Development	Classification:	Public
First Issued:	13/09/01	Review Frequency:	3 years
Legislation:	Development Act 1993 & Development Regulations 2008		
Relevant Policies:	Enforcement Policy		
Related Procedures:			
Responsible Officer:	Manager Governance	Signed:	
Adopted by Council :	14/10/15		

1 Policy Objective

This policy seeks to monitor the standard of construction work within the District Council of Ceduna's 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 (formerly the Building Code of Australia).

2 Scope

Under Section 71A of the Development Act 1993, Council is required 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 (80A) requires that this policy is applied in respect of Class 1 and 2 Buildings. Council's policy also encompasses Classes 3-10.

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

1. detect building work which does not accord with a development approval (or exemption);
2. detect building work or practices which do not accord with the requirements of the Development Act;
3. detect buildings and building work which are unsafe, and
4. 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 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;

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- whether particular parts of the Council area are known to be subject to poor building conditions;
- 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.

3 Criteria for Selection of Buildings to be Inspected

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

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

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

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

- distribution between owner builders and registered builders;
- local environmental factors in the area in which the building work is being undertaken (e.g. wind speeds, flooding, poor soil conditions);
- whether the building work was approved and complies with any relevant conditions; and
- 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 will be undertaken within timeframes that take account of the urgency of the situation and the availability of resources.

4 Risk Management

Risk Management is an important obligation the District Council of Ceduna takes very seriously and pro-actively manages.

In the delivery of building inspections, District Council of Ceduna is very aware that there may be risks that its employees, the Community and Stakeholders may be exposed to in relation to the activity.

The Council has a Risk Management Policy and a number of current procedures as well as a Risk Management Framework all of which are available for viewing.

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When undertaking building inspections, all employees are encouraged to consider applicable perceived risks and, if necessary, communicate these to the supervisor if in doubt prior to the commencement of the inspection.

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 (other than those containing sleeping accommodation, of these 80%) for which the Council receives notification including buildings where the Building Rules Consent has been issued by a Private Certifier.

Verandahs/Carports/Sheds/Other Structures – not attached to roof frame

- Council will not undertake inspections of Class 10a and 10b structures (other than swimming pools) unless there is a concern regarding compliance with the Development Approval, practices that are not in accordance with the Development Act or building work which is unsafe.

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 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, excepting Class 10 buildings (other than where attached to a roof frame), portal frame buildings (eg industrial sheds) and transportable buildings.

Of these:

- 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

- all dangerous structures as soon as they are identified; and

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- all sites for which there is a report of non-compliance.

Building Fire Safety

- the Fire Safety Committee will undertake quarterly inspections as required.

6 Counting Inspection

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.

7 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.

8 Dispute Resolution

In the event of a dispute between an authorised officer of Council and a builder, each may have recourse to the Environment Resources and Development Court. As part of this

Building and Swimming Pools Inspection Policy, Council may undertake the following alternative arrangements for dispute resolution:

- referral to the assessor to ascertain what was understood when issuing the consent;
- consultation with Council's Building Surveyor; and
- consultation with an independent technical expert.

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9 Enforcement Proceedings

As per Council's policy relating to Compliance and Enforcement Policy.

10 Mandatory Notifications

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

- one business day of notice of the intended commencement of building work on the site;
- one business day of notice of the intended commencement of pouring of footings and other reinforcing steel works.

(Council may accept a certificate from an Engineer confirming compliance of the footing design.)

- one business day of 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 of notice of wet areas prior to tiling;
- one business day of notice of the completion of building work;
- one business day of notice of the intended commencement of pouring of a suspended floor slab; and
- one business day of notice of the completion of tile-up walling.

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 of notice of intended commencement of building work on the site;
- one business day of notice of the completion of the construction of the swimming pool (before the pool is filled with water); and
- one business day of notice of the 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 of 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.

11 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.