



# Building Inspection Policy

<b>Reference Number:</b>	6.4
<b>Type:</b>	Council Policy
<b>Category:</b>	Development & Infrastructure
<b>Relevant Community Plan Outcome:</b>	<ul style="list-style-type: none"><li>• Educate and regulate to enable a safe and healthy environment.</li><li>• Practise transparent and accountable governance.</li></ul>
<b>Responsible Officer(s):</b>	Manager Planning & Development
<b>First Issued/Approved:</b>	May 2001
<b>Minutes Reference:</b>	CoS 1/07/2019, Item 3.32
<b>Last Reviewed:</b>	July 2019
<b>Next Review Due:</b>	July 2021
<b>Applicable Legislation:</b>	Development Act 1993 and Development Regulations 2008
<b>Related Policies:</b>	Nil
<b>Related Procedures:</b>	Nil

## 1. Purpose

Under the Development Act 1993, Council must have an inspection policy. In the policy Council must set the level of inspections required, and the criteria used to select the buildings to be inspected.

## 2. Scope

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

## 3. Statutory Framework

This Policy is mandatory under Section 71A(1) of the *Development Act 1993*.

Pursuant to Section 71A(2) this Policy must (and does) specify:

- a level or levels of audit inspections to be carried out by the Council on an annual basis with respect to building work within its area (including building work assessed by private certifiers under Part 12) involving classes of buildings prescribed by the regulations; and
- the criteria that are to apply with respect to selecting the buildings that are to be inspected under the policy.

Pursuant to Section 71A(4a) this Policy complies with any regulation prescribing a minimum level of inspections to be carried out by the council on an annual basis with respect to building work within its area (including building work assessed by private certifiers under Part 12 of the Development Act).

This Policy does not apply to the appropriate authority constituted under Section 71(19), commonly known as the Building Fire Safety Committee, nor does it apply to an inspection under Section 71(1) (Building Fire Safety).

#### 4. Objectives

The 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 take enforcement action when needed against those responsible.

By undertaking such inspections, the 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.

#### 5. Considerations

In accordance with Section 71A(4) this Policy has been prepared taking the following matters into account:

- (a) the financial and other resources of the council, and of its local community; and
- (b) the impact that a failure to inspect a certain number of buildings of the relevant classes over a period of time may have on its local community; and
- (c) past practices of the council with regard to inspections and the assessment of building work in its area; and
- (d) whether the area, or a particular part of the area, of the council is known to be subject to poor building conditions; and
- (e) information in the possession of the council on poor building standards within its local community; 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 buildings.

## 6. Definitions

Words and phrases defined by the Development Act and the Development Regulations have the same meaning when used in this Policy.

In addition, the following words and phrases are defined:

<b>audit inspection*</b>	<p>an <i>inspection</i> which determines (within the scope of the inspection and only insofar as the inspection is able to do so) whether or to what degree the inspected building work complies with:</p> <ul style="list-style-type: none"> <li>• the relevant development approval or any applicable exemption</li> <li>• if applicable, any other relevant documents (for example a required checklist)</li> </ul> <p>an audit inspection does not involve any assessment of building work against the building rules at large, nor any assessment of the structural or functional adequacy of any building work.</p>
<b>inspection*</b>	<p>a comparison by an <i>inspector</i> (with or without assistants) of</p> <ol style="list-style-type: none"> <li>(a) visual observations of that building work, and</li> <li>(b) measurements of selected parts<sup>1</sup> of that building work,</li> </ol> <p>with:</p> <ul style="list-style-type: none"> <li>• the plans and details (if any) which form part of a development approval (or exemption) which relates to that building work, and</li> <li>• if applicable, any other relevant documents (for example a required checklist)<sup>2</sup></li> </ul> <p>and may include the interview of any person associated with the building work</p>
<b>Building Surveyor/s/Building Officer/s</b>	<p>an authorised officer of the Council appointed under Section 18 of the Development Act, who holds a current accreditation in Building Surveying, or who has been approved by the Minister under Regulation 87(3)(c)</p>
<b>person</b>	<p>includes all legal persons including bodies corporate</p>

\*Except within the above table, where this Policy refers to an inspection that is a reference to an audit inspection as defined above. Where this Policy uses the word “inspect”, that means “undertake an audit inspection”.

<sup>1</sup> How such parts are to be selected is dealt with later in this Policy.

<sup>2</sup> At present a supervisor's checklist is prescribed in relation to roof framing under Regulation 74(5), and the Minister's Schedule 5 roof framing checklist is prescribed under Regulation 74A in relation to the provision of truss information by a truss manufacturer.

## 7. Selection of Buildings for Inspection

Not all buildings will be inspected. The Council does not have the resources to do so.

Buildings will be selected for inspection in accordance with the following criteria (in descending order of preference):

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

Where a building is selected for inspection it may be inspected at any stage of construction and may be inspected more than once (i.e. it may be inspected at different stages of construction).

## 8. Levels of Inspection

### *Prescribed Minimum Levels*

In accordance with Section 71A(4a) and Regulation 80AB(2) this Policy specifies the following minimum inspection levels for all classes of buildings, other than Class 10 buildings which are not attached to any part of the roof framing of a building of another class:

Where the building work involves the construction of any roof framing within the area of the Council:

- (a) a number of inspections equal to 66% of the building rules consents<sup>3</sup> issued over the course of the year<sup>4</sup> for building work involving the construction of any roof framing where a licensed building work contractor is responsible for the relevant building work<sup>5</sup>; and
- (b) a number of inspections equal to 90% of the building rules consents issued over the course of the year for building work involving the construction of any roof framing where a licensed building work contractor is not responsible for the relevant building work<sup>6</sup>.

<sup>3</sup> For the purposes of this Policy, a variation to an operative building rules consent does not, itself, count as a building rules consent and nor does the extension of the operative period of any building rules consent (whether operative or lapsed).

<sup>4</sup> For the purposes of this Policy, "the year" is the relevant financial year.

<sup>5</sup> Regulation 80AB(2) does not identify what "the relevant building work" is. For the purposes of this Policy "the relevant building work" is the entirety of the building work to which the relevant approval or exemption relates.

<sup>6</sup> See above note. Adopting this interpretation has the effect that paragraph (b) applies to "owner-builder" situations. This is consistent with the recommendations of the October 2008 Report of the Ministerial Taskforce on Trusses.

### *Council set Target Inspection Levels*

In addition to the prescribed minimum levels, the Council aims to inspect:

- (a) all building work which relates to or affects swimming pool safety, including the construction of all swimming pools safety fences and or barriers as well as the water reticulation systems, the secondary outlet from a swimming pool and the warning notices.

Council will inspect 100% of swimming pools notified to Council within 2 weeks of the notification being received.

- (b) in relation to building work which affects class 3 to class 9 non-residential building/s, all buildings prior to Council issuing a certificate of occupancy as well as a number of inspections equal to 10% of all notifications received by the Council.

### *Counting Inspections*

Inspections must be counted to determine whether the minimum numbers set out above 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 initial 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.

## **9. Liability**

The 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. The Council does not accept that it owes a duty to such persons or indeed any particular person in relation to any inspection.

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.

The 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.

## **10. Implementation**

The Planning and Development Portfolio, Building Services Team will implement this Policy.

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