



Building Inspection Policy

Reference Number:	6.4
Type:	Council Policy
Category:	Development & Infrastructure
Relevant Community Plan Outcome:	<ul style="list-style-type: none"> • A well-designed urban environment that is adaptive to a diverse and growing City • City assets and infrastructure are developed and enhances on a strategic and equitable basis is collaboration with local communities and other relevant parties, including industry and government • Open and accountable governance
Responsible Officer(s):	Manager Planning & Development
First Issued/Approved:	May 2001
Minutes Reference:	CoS 6/02/2023, Item 4.11
Last Reviewed:	February 2023
Next Review Due:	February 2025
Applicable Legislation:	Planning Development and Infrastructure Act 2016 Practice Direction 8 – Council Swimming Pool Inspections 2019 Practice Direction 9 – Council Inspection 2020
Related Policies:	Nil
Related Procedures:	Nil

1. Purpose

Under the Planning Development and Infrastructure Act 2016 Council must undertake inspection of building work in accordance with Practice Direction 8 - Council Swimming pool Inspections 2019 and Practice Direction 9 – Council Inspection 2020. The practice directions set a minimum level of inspection and the rationale for inspection. They also afford Council the opportunity to set additional inspection requirements at the time of issuing Development Approval. This policy provides the framework for additional levels of building inspection above those specified in the practice directions.

2. Scope

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

3. Statutory Framework

Practice Directions in relation to inspection have been set by the State Planning Commission pursuant to Section 144 and Section 156 of the Planning Development and Infrastructure Act 2016.

Our Ref: 12/270464[v8]

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Section 144(3) of the PDI Act prescribes matters that need to be considered when setting an inspection policy:

- (a) the financial and other resources of councils;
- (b) the impact that a failure to inspect a certain number of developments over a period of time may have on local communities;
- (c) the various sizes of the areas of councils and differences in population;
- (d) the amount of development undertaken in the various areas of the State;
- (e) the type of development that predominates in the various areas of the State;
- (f) in relation to building work, building conditions in the various areas of the State; and
- (g) the public interest in ensuring that development is undertaken in accordance with the requirements of this Act.

This Policy does not apply to the appropriate authority constituted under Section 157(17) of the PDI Act 2016, commonly known as the Building Fire Safety Committee, nor does it apply to an inspection under Section 157(2) of the PDI Act 2016.

4. Objectives

The Council is empowered by the PDI Act and Practice Directions to inspect building work within its area. Such inspections aim to:

- (a) provide for occupant and public safety; and
- (b) maintain confidence and integrity in the development control system.

Councils must have regard to the objects when determining:

- (a) the timing of inspections;
- (b) the elements and buildings to be inspected; and
- (c) whether to carry out additional inspections.

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 PDI Act.

5. Considerations

In accordance with Practice Direction 9 Council can determine to undertake additional inspections where it has information to indicate that the circumstances warrant it, having regard to the objects of the practice direction.

Circumstances that may warrant an additional inspection include building work in relation to, but not limited to:

- (a) a building intended for use or occupation by large numbers of people, particularly simultaneously;
- (b) a building intended for use or occupation by vulnerable persons or persons with a disability;
- (c) a building in respect of which the council has been made aware of a complaint or regulatory issue, whether directly or indirectly, relating to the building or any person involved in the building work;
- (d) a building with energy efficiency requirements;
- (e) a building constructed by a person who is not a licensed building work contractor under the Building Work Contractors Act 1995;
- (f) a building subject to local environmental conditions in respect of which additional measures are required to protect the environment, the building and its occupants or users; or
- (g) a building incorporating construction properties or products, including but not limited to fire-rated construction, fire safety elements or designated building products.

6. Definitions

Words and phrases defined by the Planning Development and Infrastructure Act 2016 and the associated regulations or Practice Directions prescribing building inspections by Council have the same meaning when used in this Policy.

In addition, the following words and phrases are defined:

<i>audit inspection*</i>	<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"> • the relevant development approval or any applicable exemption • if applicable, any other relevant documents (for example a required checklist) <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>
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inspection*	a comparison by an <i>inspector</i> (with or without assistants) of (a) visual observations of that building work, and (b) measurements of selected parts ¹ of that building work, with: <ul style="list-style-type: none"> • the plans and details (if any) which form part of a development approval (or exemption) which relates to that building work, and • if applicable, any other relevant documents (for example a required checklist)² and may include the interview of any person associated with the building work
Building Surveyor/s/Building Officer/s	an authorised officer of the Council appointed under Section 18 of the Development Act, who holds an accreditation Building Level 1, 2 or 4 under the PDI Act 2016
person	includes all legal persons including bodies corporate

*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”.

7. Selection of Buildings for Inspection

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

Additional building inspections will be selected in accordance with the following criteria (in descending order of preference):

1. buildings which appear to be structurally 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 that include Fire Separation between occupancies;
6. buildings which are obliged to provide access to disabled persons;
7. buildings in respect of which a complaint has been made; and
8. in the event that inspection of the foregoing buildings does not result in the prescribed minimum inspection levels of Practice Directions 8 and 9 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).

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

² 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.

8. Levels of Inspection

Prescribed Minimum Levels

Council will ensure inspections undertaken are in compliance with Practice Directions 8 and 9.

9. Liability

The Council inspects building work in accordance with the objectives of this Policy, Practice Directions 8 and 9 and for the public good. Inspections are undertaken by the Council solely as a result of its duties under Practice Directions 8 and 9 and this 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 233 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.