



This practice direction is issued by the State Planning Commission (the Commission) under section 42 of the *Planning, Development and Infrastructure Act 2016* (the Act) for the purposes of section 144 of the Act to require councils to carry out inspections of development in their respective areas.

## Introduction

Section 144 of the Act requires the Commission to issue a practice direction that requires councils to carry out inspections of development in their respective areas.

Section 156 of the Act provides that the Commission may also issue a practice direction that requires councils to carry out inspections of swimming pools and buildings to ascertain compliance with that section relating to designated safety features. A separate practice direction has been issued in respect of swimming pool safety features.

In issuing this direction, the Commission has taken into account the matters set out in section 144(3) of the Act. These are:

- (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.

While the Act envisages that the Commission may require councils to carry out inspections relating to 'development', as that term is defined in the Act, more broadly, this practice direction is limited to mandating inspections directed towards securing the objects stated in clause 3 of Part 1 of this practice direction.

The public interest in protecting public safety and in maintaining confidence and integrity in the development control system within the State has been balanced against other matters outlined in s144(3).

The Commission has sought to identify the risks posed by certain building types. This practice direction reflects the Commission's view that the risks associated with certain buildings, particularly in relation to safety, including, for example fire protection and other safety features, should be treated equally irrespective of where they are constructed in the State and that this approach reflects community expectations.

Associated with the above, while this practice direction mandates certain inspections, councils should continue to appropriately address broader compliance issues, whether these are detected during an inspection that is required under this practice direction or otherwise.

This may include inspections related to planning or building rules consent matters, which councils may choose to carry out through a separate council policy or on an as-needs basis.

## Practice direction

### Part 1 – Preliminary

#### 1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction (Council Inspections) 2020*.

#### 2 – Commencement of operation

This practice direction will come into operation on 1 July 2025.

#### 3 – Objects of practice direction

- (1) The objects of this practice direction are to, in relation to areas within a council, require councils to carry out inspections to:
  - (a) provide for occupant and public safety; and
  - (b) maintain confidence and integrity in the development control system.
- (2) Councils must have regard to the objects in subclause 3(1) of Part 1 in making determinations under this practice direction.
- (3) Without limiting subclause 3(2) of Part 1, 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.

#### 4 – Interpretation

- (1) In this practice direction, unless the contrary intention appears –

**Act** means the *Planning, Development and Infrastructure Act 2016*;

**Accredited Professionals Regulations** means the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*;

**authorised officer** has the same meaning as within section 3(1) of the Act;

**Building Code** has the same meaning as within section 3(1) of the Act;

**Building Rules** has the same meaning as within section 3(1) of the Act;

**building work** has the same meaning as within section 3(1) of the Act;

*Note: 'building work' includes any work or activity that results in a change to the classification of a building under regulation 3E of the Regulations.*

**business day** has the same meaning as within section 3(1) of the Act;

**Chief Executive** has the same meaning as within section 3(1) of the Act;

**Commission** means the State Planning Commission established under Part 3 Division 1 of the Act;

**construct** has the same meaning as within section 3(1) of the Act, and **construction** has a corresponding meaning;

**council** has the same meaning as within section 3(1) of the Act;

**designated building product** has the same meaning as within regulation 3(1) of the Regulations;

**farm buildings and farm sheds** have the same meaning as within the Building Rules;

**fire authority** has the same meaning as within section 3(1) of the Act;

**floor area** has the same meaning as within the Building Rules;

**Metropolitan Adelaide** means Metropolitan Adelaide as defined by General Registry Office Plan 639/93 as well as the balance of the Adelaide Hills local government area;

**performance solution** means a performance solution under the Building Code;

**primary structural elements** means any component of the primary load bearing structure of a building including footings, piles, foundations, framing, columns, girders, beams, joists, roof trusses and wind or seismic bracing.

**private bushfire shelter** has the same meaning as within regulation 3(1) of the Regulations;  
and

**Regulations** means the *Planning, Development and Infrastructure (General) Regulations 2017*.

*Note: Section 12 of the Legislation Interpretation Act 2021 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.*

## Part 2 – Inspections

### 1 – Application

- (1) Upon commencement this practice direction applies to all councils.
- (2) This practice direction does not apply to development not within a council area.

*Notes: Practice Direction 7 – Inspection Policy for Out of Council Areas has been issued for the purpose of detailing inspection requirements for Out of Council areas.*

*Practice Direction 8 - Council Swimming Pool Safety Inspections 2025 has been issued detailing inspection requirements for swimming pool safety features.*

### 2 – Mandatory Inspections

- (1) A council must comply with the requirements set out at **Appendix 1** relating to:
  - (a) the kinds of building works which require inspection;
  - (b) the proportion of building works which require inspection in each council area; and
  - (c) the timing of any inspection required in relation to each building works.

**(mandatory inspection requirements).**
- (2) Subject to sub-clause 3, an inspection may be carried out at any time during construction or on completion for any building works chosen or required for inspection as set out in **Appendix 1**.
- (3) A council must take all reasonable steps to ensure that each inspection carried out under this practice direction includes an inspection and assessment of, but not necessarily limited to, the following elements (**elements**), as may be present (and reasonably accessible) at the time of inspection:
  - (a) primary structural elements (as defined);
  - (b) wet areas and waterproofing;
  - (c) barriers to prevent falls;
  - (d) cladding;
  - (e) egress provisions;
  - (f) bushfire protection systems;
  - (g) passive and active fire safety elements;
  - (h) private bushfire shelters; and
  - (i) performance solutions.

- (4) In this clause, 'passive and active fire safety elements' includes, but is not limited to, the following elements, as may be applicable in the circumstances:
- (a) fire rated construction;
  - (b) fire safety elements, including, but not limited to, smoke alarms; and
  - (c) fire protection systems, including, but not limited to, bushfire protection systems.

### 3 – Additional inspections

- (1) A council should consider carrying out an inspection in addition to any specified in sub clause (3) of Part 2 (**additional inspection**) if it has information to indicate that the circumstances warrant it, having regard to the objects of this practice direction.
- (2) Circumstances that may warrant an additional inspection, having regard to the objects of this practice direction, 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 approved with performance solutions (for example those related to structural integrity, occupant safety or 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 (areas of higher bushfire or flooding risk for example); or
  - (g) a building incorporating construction properties or products, including but not limited to fire-rated construction, fire safety elements or designated building products.

### 4 – Inspections generally

- (1) The proportion of building works in each council area to be inspected in accordance with the mandatory inspection requirements above and the tables at **Appendix 1** are to be calculated each year starting 1 July and ending 30 June of the following year (**relevant reporting year**).
- (2) Where a council elects to carry out an inspection in accordance with the mandatory inspection requirements on completion of construction the inspection must be carried out:
- (a) within 2 business days of receipt of the completed Statement of Compliance in respect of development within Metropolitan Adelaide; and

- (b) within 3 business days of receipt of the completed Statement of Compliance for development outside Metropolitan Adelaide.
- (3) The mandatory inspection requirements apply to buildings constructed off-site, including relocated buildings (to be inspected following placement or relocation).
- (4) Building work listed in Schedule 7 of the Regulations relating to Complying building work is not subject to the mandatory inspection requirements, however, councils should consider if an inspection may be appropriate for such work.

## **5 – Counting inspections**

- (1) Only a building work which is completed within the relevant reporting year can be considered for contributing towards the percentage of mandatory inspection requirements for that reporting year, noting that even if the inspection for that building work occurred during a previous reporting year it can still be counted for the purposes of sub clause (2).
- (2) The first inspection of a building work under the mandatory inspection requirements is to be counted as the one inspection required for the purposes of the percentage in the relevant table in **Appendix 1**.
- (3) Where a development application contains multiple building works (whether of the same class or different class) an inspection of each individual building work may be counted for the purposes of the percentage in the relevant building class table in **Appendix 1**.
- (4) An additional inspection of a building work at a later stage is not to be counted as a separate inspection for the purposes of the relevant percentage in **Appendix 1**.
- (5) Where a building work is inspected at a particular stage, and any issue is detected requiring further inspection, any further inspection related to the particular issue not to be counted for the purposes of the relevant percentage in **Appendix 1**.
- (6) For the purpose of subclause (4) and (5), any further or additional inspection of a building work as a result of a separate, adhoc or rectification inspection will be acknowledged by the Commission as having been undertaken in pursuit of the achievement of the objects of this Practice Direction.

## **Part 3 – Authorised officers**

### **1 – General requirements**

- (1) Only authorised officers appointed by a council may carry out inspections for the purpose of this practice direction.
- (2) A council must ensure that an inspection under this practice direction and subsequent assessment of each of the applicable elements in subclauses 2(2) and 2(3) of Part 2 is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under this practice direction.

- (3) A person with the qualifications prescribed by Regulation 112(1) may carry out an inspection under this practice direction. However, an assessment of the adequacy of applicable elements may require a person to hold particular knowledge, skills and qualifications and should be taken into account when applying this practice direction.
- (4) The level of accreditation held by authorised officer should be considered in line with any limitations or conditions of accreditation. Where accreditation has been obtained through a building supervisors registration pathway, it will be subject to the condition that the holder will not carry out inspections outside of the exclusions or limitations of their Building Supervisors Licence held under the *Building Work Contractor's Act 1995*.

#### **Part 4 – Record Keeping**

- (1) In relation to building works that received final development approval under the Act, councils must keep records of inspections carried out in accordance with this practice direction on the SA Planning Portal.
- (2) This clause does not derogate from any authorisation to dispose of records under the *State Records Act 1997*.

**Varied by the State Planning Commission on 10 April 2025.**

#### **Versions**

Version 3	10 April 2025
Version 2	25 March 2021
Version 1	12 March 2020

## Appendix 1 – Mandatory Inspection Requirements

**Table 1. Class 1 buildings**

The inspection requirements in Table 1 apply to building work in relation to a class 1 building under the Building Rules

Timing of inspection	Proportion of building work in council area to be inspected
<p><b>During construction or on completion</b></p> <p>An inspection/s may be carried out at any time during construction or on completion.</p>	<p>Minimum 66% of building work completed in the relevant reporting year.</p>

**Table 2. Farm buildings and farm sheds**

The inspection requirements in Table 2 apply to building work in relation to a farm building or a farm shed with a floor area of 500m<sup>2</sup> or greater, under the Building Rules.

Timing of inspection	Proportion of building work in council area to be inspected
<p><b>During construction or on completion</b></p> <p>An inspection/s may be carried out at any time during construction or on completion.</p>	<p>Minimum 33% of farm sheds and 75% of farm buildings completed in the relevant reporting year.</p>

**Table 3. Class 2-9 buildings**

The inspection requirements in Table 3 apply to building work in relation to a class 2 to 9 buildings inclusive (other than a farm building or a farm shed) under the Building Rules.

Timing of inspections	Proportion of building work in council area to be inspected
<p>During construction or on completion</p> <p>An inspection/s may be carried out at any time during construction or on completion.</p>	<p>Minimum 90% of building work completed in the relevant reporting year.</p>

#### **Table 4. Class 10c buildings (private bushfire shelters)**

The inspection requirements in Table 4 applies to building work in relation to a class 10c building/s (private bushfire shelters) under the Building Rules.

<b>Timing of inspections</b>	<b>Proportion of building work in council area to be inspected</b>
<b>During construction or on completion</b> An inspection/s may be carried out at any time during construction or on completion.	100% of building work completed in the relevant reporting year

Operational 1 July 2025