



18 December 2019

State Planning Commission

Dear Sir/Madam

Submission in response to Council Inspection Policies Draft Consultation

The Mount Barker District Council (MBDC) applauds the Commissions efforts in developing a Practice Direction for Council building inspections; recognising the limitations of the current system in achieving the public interest objectives to protect public safety and maintain confidence and integrity in the development control system. Furthermore, MBDC is supportive of a more proactive approach in achieving compliance/building safety for commercial buildings by including these within a mandatory Policy.

On examination of the draft Practice Direction in light of these objectives, MBDC provides this submission to highlight aspects that are considered to be deficient, in reference to Council's current inspection regime (in attached appendix) and comment on whether the Practice Direction is likely to facilitate State-wide consistency in inspecting aspects of high importance or whether it in fact enables councils to take a risk adverse approach through inspecting minor matters only (rather than critical matters such as trusses, framing and fire walls).

Table 1. Domestic Dwellings

MBDC is supportive of the Policy that requires a minimum of 66% of all domestic dwellings (Class 1a) requiring at least 1 inspection. Notwithstanding, MBDC has identified several areas of concern regarding the methods required to achieve this outcome.

1. It is noted that Part (a) fails to make reference to what inspections are required during construction, suggesting that individual councils are to determine their own criteria. The impact of this is likely to encourage some councils to take a more risk adverse approach to their building inspections; focusing on trivial building matters or those aspects already signed off by a qualified engineer (such as footings) in lieu of more important safety matters such as framing and fire walling - MBDC deems these are far more relevant to protecting the interests of the community and achieving the objectives of the Practice Direction. To avoid safety inspections being purposely overlooked (without any repercussions), MBDC suggests that the safety aspects of highest importance be mandated only. If councils wish to do additional inspections for more minor matters, then this can still occur outside of this Policy.
2. There is no benefit in including Part (b) as this is only a suggestion (i.e. *may* give consideration to carrying out an inspection on completion) whereas the Policy is

for mandatory inspections. Furthermore, the wording of the last paragraph is confusing in that it might be interpreted that an inspection on completion must occur. Better wording of this might be "If an inspection is carried out on completion...". Furthermore, the requirement for the inspection to occur within 1 business day of receipt of the completed Statement of Compliance is considered to:

- i. Deter Councils from undertaking this inspection, favouring an alternative during construction inspection that does not include a legislated timeframe.
- ii. Be unattainable in most cases, as this would require Council officers, vehicles and access into dwellings to be readily available on any given day. This is particularly difficult for Councils that have rural areas, particularly in the bushfire season. It is therefore suggested that 5 business days be applied which is consistent with the timeframe allocated to issue a Certificate of Occupancy for Class 1a buildings and provide council officers an adequate timeframe to undertake this inspection, in a safe manner.

The above comments are made on the understanding that mandatory inspections are *not* required to be undertaken for the issue of the new requirement for a Certificate of Occupancy for dwellings.

Table 2. Small commercial or public buildings

MBDCs current inspection policy is to inspect 10% of all commercial buildings. There will certainly be a resultant substantive increase in resourcing requirements if required to undertake mandatory inspections for 100% of commercial buildings, which is effectively a 1000% increase above the current practice.

It should once again be noted that the proposal to undertake a completion inspection within 1 day of receipt of the Statement of Compliance is deemed unachievable due to the extent of resourcing that would be required to meet this deadline, such as availability of Council officers and available transport. To compensate for this, it is highly recommended that this timeframe be extended to allow council officers an achievable timeframe in which to inspect, such as 5 business days (to be consistent with the above). Councils customer service charters dictate finalisation as soon as practical, and 5 business days is a maximum only.

MBDC has identified (as per attachment) that, by far, the most significant impact for councils is associated with inspections of farm buildings (as defined in the SA inclusion of the NCC) or farm sheds. The "concessions for farm buildings" is clearly reflective of the State Government position that farm buildings are of low risk to public safety. Furthermore, for most areas of the State this is complying development for the purpose of building rules consent. There are substantive WHS and financial risks to Councils associated with having mandatory inspections for farm buildings which are structures clearly identified as being low risk, including (but not necessarily limited to):

- i. Inaccessibility due to weather conditions (boggy conditions in winter, bushfire hazards – especially for severe to catastrophic fire rating days), locked gates etc.

- ii. WHS risk to staff associated with bushfire hazard, snake bite, tripping hazards, livestock on land, poor phone and internet coverage for purpose of emergencies and use of e-planning etc.
- iii. Liability to Councils accessing land with vehicles during the bushfire season, particularly as many do not have rubbled driveways, thus requiring driving across dry grass that could result in a fire occurring (e.g. due to contact to hot exhaust system).
- iv. Located in remote areas and substantive travel time for the inspections to occur.

Furthermore, there are clear limitations in the NCC as to what constitutes a farm building. Larger buildings on rural properties that would require life safety requirements such as hydrant systems are *not* defined as farm buildings. In summary it is considered that inspections of farm buildings is both undesirable and unnecessary. As such, MBDC strongly urges the Commission to make farm buildings exempt from the mandatory inspection requirement in the Policy. If farm buildings are removed, whilst additional inspections of small commercial or public buildings will be an additional impost to councils, it is not considered to be unreasonable.

Table 3. Medium size commercial buildings and Table 4. Large commercial or public buildings

As per previous commentary, whilst this will be a significant impost on Council resourcing, MBDC sees the benefit associated with a 100% mandatory inspection requirement.

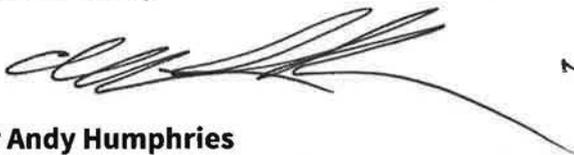
Again, the commentary on “suggestions” should be removed from the tables and rather be included in the body of the policy document. 5 business days for the inspection is reasonable, not 1 business day as discussed above – the impact on councils outside of the metropolitan area is substantive and highly unlikely to be achievable.

Summary

The MBDC anticipates that due consideration and modification of the draft Council Inspection Policies can occur as described above such that the objectives of the Policy are more likely to be achieved through consistent application across the State, whilst not being overtly onerous through inclusion of low risk aspects or impractical inspection timeframes.

If any further clarity or input might assist in the formulation of the final Policy, please contact me on [REDACTED] or [REDACTED].

Yours sincerely



Mr Andy Humphries
Acting City Development Manager

Comparison of current Buildings Rules Inspection Policy vs Proposed policy:

Current Policy (Council)	Proposed Policy (SCAP)	Number of applications	Impacts																
<p>Commercial Development</p> <ul style="list-style-type: none"> 10% of all approvals for Class 3 to 9 buildings for which the Council receives notification including buildings where the Building Rules Consent has been issued by a Private Certifier. 	<p>Small commercial or public buildings</p> <p>(a) a class 5, 6, 7, 8, or 9 building under the Building Rules with a floor area of 500m² or less; or</p> <p>(b) a farm building or farm shed, under the Building Rules.</p> <p>On completion Inspection must be carried out within 1 business day of receipt of the completed Statement of Compliance. At least one inspection of each relevant building.</p> <p>100%</p> <p>Medium size commercial buildings</p> <p>(a) class 1b or 4 building;</p> <p>(b) class 2 building of 2 storeys or less;</p> <p>(c) class 3 building of 1 storey;</p> <p>(d) class 5, 6, 7 or 8 building, of 2 storeys or less, and with a floor area more than 500m² ; or</p>	<p>Council does not keep easily available stats on building height, floor area on a class by class basis.</p> <p>Therefore, stats for commercial buildings have been combined to produce a total commercial building figure</p> <p>Number of applications</p> <p>2016-2017 – 67</p> <p>2017-2018 – 84</p> <p>2018-2019 – 55</p> <p>Comparison of number of inspections required</p> <table border="1" data-bbox="1059 970 1543 1163"> <thead> <tr> <th>Year</th> <th>Current regime</th> <th>New regime</th> <th>% increase</th> </tr> </thead> <tbody> <tr> <td>16/17</td> <td>7</td> <td>67</td> <td>857%</td> </tr> <tr> <td>17/18</td> <td>8</td> <td>84</td> <td>950%</td> </tr> <tr> <td>18/19</td> <td>6</td> <td>55</td> <td>816%</td> </tr> </tbody> </table> <p>*Completion inspections for Class 2 and 9 structures</p> <p>2016-2017 – 3</p>	Year	Current regime	New regime	% increase	16/17	7	67	857%	17/18	8	84	950%	18/19	6	55	816%	<p>High impact</p> <ul style="list-style-type: none"> Currently Council inspects 10% of all commercial buildings This increases to 100% of all commercial buildings Commercial and farm buildings are more complex and time consuming inspections to undertake compared to dwellings Farm buildings are located in the outlying districts meaning that travel time is increased Farm buildings may also necessitate multiple officers attending due to their remoteness Site access at both farm buildings and commercial buildings can be an issue
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	<p>(e) class 6 building with a floor area less than 2000m² , under the Building Rules.</p> <p>During construction or on completion Inspection must be carried out any time during construction or on completion. Note: To be determined by council when setting mandatory notification stages under s 146(1) of the Act and r 93(1) of the Regulations. It is recommended that this be set at a stage either to enable the inspection of primary structural elements or structural framing and roof trusses (as applicable) or at completion to enable the inspection of the overall construction (audit inspection), including the following elements (if any) that are present: passive and active fire safety elements, balustrades, or performance solutions. An inspection on completion must be carried out within 1 business day of receipt of the completed</p>	<p>2017-2018 – 0 2018-2019 – 11</p> <p>*completion stats reflect those developments that we have been notified of *completion stats reflect those developments that we have been notified of</p>	<ul style="list-style-type: none"> • Currently class 2-9 inspections take 45 mins per site (when no major issues are found) • When major issues are found this can increase to 1.5 hours (on site) • Assuming a 1.5-hour round trip (driving time) per inspection plus a 45-minute inspection this would equate to 16 business days’ (7.6 hour day) worth of inspections based FY 18/19 for one officer • The above figure does not include any additional work to record the inspection, deal with any non-compliance matters or upload the data/information to the portal.
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	<p>Statement of Compliance. Note: May be combined with other inspections required by the Act or other Acts to be undertaken at completion of building work. At least one inspection of each relevant building. 100%</p>		
	<p>Large commercial or public buildings (a) class 2 building over 2 storeys; (b) class 3 building over 1 storey; (c) class 5, 6, 7 and 8 building over 2 storeys in height; (d) class 6 building with a floor area of 2000m² or over; or (e) class 9 building with a floor area over 500m² , under the Building Rules. During construction or on completion Inspection must be carried out any time during construction or on completion. Note: To be determined by council when setting mandatory notification stages under s 146(1) of the Act and r</p>		

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