
From: DPTI:PD Building Branch
Sent: Thursday, 12 December 2019 11:14 AM
To: Powell, Chris (DPTI)
Subject: FW: Council Inspection Policies – Draft Practice Direction - Comments from the City of Port Adelaide Enfield

Follow Up Flag: Follow up
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FYI

From: Steve Hooper [mailto:]
Sent: Thursday, 12 December 2019 10:57 AM
To: DPTI:PD Building Branch <DPTI.PDBuildingBranch@sa.gov.au>
Cc: Building Distribution Group <BuildingDistributionGroup@CityofPAE.sa.gov.au>
Subject: Council Inspection Policies – Draft Practice Direction - Comments from the City of Port Adelaide Enfield

Attention: DPTI.PDBuildingBranch@sa.gov.au

To whom it may concern:

Please accept this email as the City of Port Adelaide Enfield Submission on the 'Council Inspection Policies – Draft Practice Direction' which was released for public consultation in November 2019.

We note that the City of Port Adelaide Enfield was not directly notified of the release of this draft practice direction. Whilst the relevant papers for this practice direction were published on the Planning Portal, we would have welcomed direct notification to Councils which are the most affected stakeholder in relation to inspection targets.

Further to the above, we note that Port Adelaide Enfield Council building officers were not consulted in the preparation of the Draft Practice Direction. As a large Council area with large commercial and industrial areas, we are disappointed that we were not afforded an opportunity to influence the formation of the draft practice directions.

Turning to the Practice Direction itself, we note that it outlines proposed minimum mandatory inspection requirements that Councils must comply with under the PDI Act.

The City of Port Adelaide Enfield is one of the largest Council's in Metropolitan Adelaide. It has a high percentage of Class 2-9 buildings when compared with most other Councils.

Based on the 2018-19 financial year, a total of 226 Class 2 -9 development applications were received. Whilst we are not able to make an accurate comparison with other Council's, it is plausible that Port Adelaide Enfield Council receives one of the highest number of Class 2-9 applications per year.

If the proposed policy were in place as of 2018-2019, Council would have been required to inspect all 226 Class 2-9 buildings (subject of new applications) as well as new dwellings and swimming pools. Whilst it is acknowledged that the total figure of mandatory inspections would not have been significantly higher than total inspection targets that currently exist (as the current target includes Class 10's which are proposed to be removed), the complexity and duration of inspections for Class 2-9's will create a much higher workload for Council's such as Port Adelaide Enfield where commercial and industrial areas are prevalent. We therefore advise that there will be resource implications for Councils such as Port Adelaide Enfield Council that will need to be borne by our ratepayers.

Notwithstanding the above, in principle, Council endorses the requirements to inspect a % of Class 2-9 buildings. However, the requirements to inspect 100% of Class 2 – 9 buildings is understandably of great concern to Council. Satisfying a 100% target is neither practical nor appropriate. The 100% target is also onerous and resource intensive. A failure to inspect just one Class 2-9 building under construction would be a breach of the practice direction. Inspecting a high number of Class 2-9 buildings is both justified and welcomed, but a 100% target set Council's up for failure for reasons largely beyond its control. We would therefore suggest a figure of between 50% and 75%. This would give the community a level of certainty that new builds are conforming with relevant codes and standards.

Turning now to our specific concerns with the practice directions, we note as follows:

- **Part 2 – Mandatory Inspections** – Council questions the timing of final inspections where a private certifier is intending to issue a certificate of occupancy. It would appear unmanageable for Council to undertake a final inspection where the private certifier has already issued a certificate of occupancy. We would suggest that the final inspection by Council should occur before the certificate of occupancy is issued. The legislation should make this clear;
- **Part 4 – Other Matters** – We note the requirement to keep a 'central register' which records all inspections. We would suggest this be maintained on the SA Planning Portal, and be available for viewing by Council officers and the Commission but not by the general public. Council should not be required to maintain a record separate from the SA Planning Portal as we understand that the Portal will be a complete database for all matters pertaining to a development application. Inspection records should use a consistent template across all Councils, supplied by the Commission. Council also seeks clarification as to how 'later stage inspections' are counted as separate inspections in reference to appendix 2 (in terms of percentage numbers);
- **Appendix 2** – Council's should be provided with 5 business days to undertake an inspection. This will provide sufficient time from when the notification comes in to schedule the inspection and attend the site. 1 day's notice is simply not practical.
- **Appendix 2, Table 1** – This table does not make any sense. Clause part (b) is poorly worded and has little practical meaning and therefore should be removed;
- **Table 2** – We do not agree with the intent of only inspecting buildings upon completion. Council's should have the option to inspect any element of the building at any stage rather than only upon completion. Undertaking inspections at various stages prior to provides Council's with better opportunities to identify faults. Put simply, if the intent of inspections is to identify potential building issues, inspections during construction are likely to be more revealing and provide more insight into any construction issues, whereas inspections upon completion may result in faults being obscured behind finished walls and ceilings;
- **Tables 2, 3 & 4** – As mentioned previously, Council strongly opposes the 100% target which is completely impractical and is an unsustainable target for the reasons outlined previously. We recommend a target of between 50%-75% which will still mean the builders are more likely to be vigilant in meeting appropriate building standards. We do however, continue to support a 100% inspection target for swimming pools noting the importance of ensuring swimming pools are child-safe, though we recommend the timeframes be changed so that the swimming pool inspection is within 1 month of completion instead of 2 weeks;
- **Inspection Fees** – Council recommends that inspections of buildings incur a mandatory Inspection Fee to assist in cover costs which otherwise are passed back onto ordinary ratepayers;
- **All inspections** – It is recommended that Councils have a legislative mechanism whereby they can mandate additional inspection notifications above and beyond those set by private certifiers.

Thank you for the opportunity to provide comment on the above-mentioned practice direction. As a Council greatly impacted by the proposed changes, we request meaningful input in the formation of the final 'Council Inspection Policies Practice Direction'.

Please feel free to contact me on the number below to arrange future input in relation to this matter.

Regards,

Steve Hooper
Development Services Manager

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