

File: 3.65.009

18 December 2019

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Submission – Building Inspection Policies Practice Direction

The following observations and comments on the proposed Building Inspection Policies Practice Direction have been made by relevant staff of Alexandrina Council on behalf of the Council; however the comments have not been endorsed by Council at this time.

If there are any queries in relation to this submission please contact Sally Roberts, Manager Strategic Development, on 8555 7002.

Overall Purpose

- 1. Is the proposed purpose of the inspection policy easily understood? i.e. a focus on occupant and life safety, and to maintain confidence and integrity in the development control system.**

The purpose as described provides clarity and is easily understood, with a focus on occupant and life safety being first and foremost. The intent to maintain confidence and integrity in the development industry is supported however it should be noted that responsibility for this should extend only so far as to ensure that development occurs in accordance with the development legislation and any associated approval.

Inspection levels and capacity

- 2. Are the proposed inspection requirements easily understood? 66% for Class 1as and 100% for Class 1b-9?**

The proposed inspection levels for Class 1a developments are essentially the same as existing requirements. These requirements are clear in their intention, it should be noted however that the reduction in the number of "owner builder" inspections is worrying, given the high level of non-compliance in this area. Consideration may need to be given in regard to maintaining the current requirements for owner builders.

It is unclear as to whether the number of inspections is to be a proportion of notifications received, or approvals granted; therefore this should be further clarified within the practice direction.

It is noted that there is not currently a stop point in the process with regard to completing a final inspection (required to be completed within one day of receipt of a statement of compliance). This is not deemed a practical timeframe and places an unreasonable burden on Councils resources.

3. For the main, the inspection requirements for Class 1as are largely unchanged while Class 1b-9 buildings will require one inspection – do you think this is realistic and achievable for councils?

Adequate resourcing is a very real concern in order to achieve 100% inspections of Class 1b-9 buildings. These types of buildings due to their size and complexity take considerably longer than Class 1a buildings to inspect. This coupled with the travel distances experienced within rural Councils will dictate the need for additional resourcing in order to satisfy the requirements of the practice direction.

The proposed requirement to inspect 100% of all Class 1b-9 buildings should be modified to reduce the number of farm buildings inspected. These are low risk in nature and reducing the number inspected to 66% for those under 500m² would allow Council to focus on high risk buildings and swimming pools that better meet community expectations.

Alexandrina currently finds it challenging to meet existing resourcing requirements and the further burden on rate payers to fund the expanded inspection regime is considered unacceptable. A more cost recoverable system needs to be employed, with some examples given by the interstate Council interviews detailed in the Botten Levinson Report. At this stage and without knowing what fee recovery model will be included for council's to perform this role, the answer would be that the policy is not achievable.

4. If you answered no to question 3, what level would be achievable? If answering from council, do you think this is static or could this be increased over time?

With no change to existing resources it is considered that we could potentially achieve a target of 66% for all Class 1-9 buildings. With additional resources then the targets currently prescribed may be achievable.

It is expected that many Councils will face similar issues regarding recruitment as there is already a perceived limited pool of experienced Building Surveyors. Staging the introduction of inspection requirements at, or around 66% and increasing over time may allow for the gradual introduction of new accredited professionals. This leads to a conversation around how the industry can address the apparent lack of qualified building surveyors and best to encourage or change the current training and accreditation schemes.

5. The practice direction provides a list of circumstances when councils may wish to undertake inspections in addition to the mandatory requirements. Would you suggest any change to this list?

The current wording of the Draft Practice Direction is concerning in that it appears to further force Council to inspect regardless, should it have information to indicate that the circumstances warrant inspection, this may expose Council to a civil liability.

Consider amending Clause (3) (2) to read *“a council may undertake an inspection in addition to any specified in clause 2 of Part 2...”*

Any additional inspections would be resource dependant, and Council should be afforded the opportunity to give priority to those matters that warrant an inspection. Amending this clause will allow Council greater flexibility in identifying those matters that justify a site visit while meeting the statutory requirements of Part 2 of the practice direction.

- 6. While not in the s144 practice direction, is the potential removal of the 80/20 two week/two month percentage split for pool inspections, to instead require that all pools to be inspected within two weeks of completion supported?**

Alexandrina agrees that high risk developments such as swimming pools must be inspected within a reasonable timeframe, and that the level of inspections should cover 100% of new swimming pool applications.

However the proposal that all pools be inspected within 2 weeks of completion is unreasonable and places an unnecessary burden on Councils resourcing. It is recommended that this be amended to 4 weeks from the date of notification as this is a more realistic expectation for pool inspections.

Who may inspect

- 7. As long as an authorised officer is appointed under Regulation 112 of the General Regulations, the draft policy allows the council to decide which officer to allocate to an inspection (from level 1 to 4) – do you support this approach?**

This approach is supported overall as it does provide flexibility for Council to resource and allocate the undertaking of inspections based on accreditation level. The proposal for a level 4 inspector would be beneficial to Council in meeting its obligations under the proposed Practice Direction. Further consideration should be given as to whether accredited members of other professional bodies, such as Engineers could be engaged by Council where appropriate.

- 8. Regulation 112 currently allows councils to potentially appoint an accredited professional who is not a council employee to undertake an inspection (e.g. a private building certifier) to enable recruitment of private sector expertise. Do you support this?**

Yes, as this provides greater flexibility to Council, particularly in instances where Council does not have an employee with appropriate level of accreditation for the relevant inspection, i.e. Level 1 Building Surveyor. There must however be very clear guidelines to ensure there is no conflict of interest. Consideration needs to be given as to whether these professionals will be covered under the mutual liability scheme, or if their own insurance is required.

Statements

- 9. While not a specific part of this consultation, would you support the reintroduction of a statement requirement for roof trusses, and for this to potentially be expanded to the entire frame?**

Yes, the reintroduction of a truss statement is supported as currently we do see many defects with roof truss construction, in addition to changes from the approved framing plans. It would be very beneficial that those persons accredited to complete a statement be included on the accredited professionals register. This would enable Council to more easily cross check statements against the register.

- 10. Would you support the introduction of statements for other matters, for example, footings or wet areas?**

Yes – providing the reasons for doing so are justified and that a suitable regime is implemented to ensure adequate training and accrediting of those professionals.

Process

- 11. Having read the Background Paper, do you have a good understanding on how the inspection process will work, i.e. setting notifications via decision notice, receiving notifications, undertaking inspections, etc.? Are there any areas you are unsure of that could benefit from further explanatory material?**

It is understood that the ePlanning portal will provide a means for inspection notification only and not act as a database for the whole inspection process. This places an extra burden on Council to maintain dual systems for tracking inspections and storing inspection data. It is suggested that a standard pro forma be developed and provided to ensure uniformity across all councils. This is particularly important from a reporting perspective as well and clarification is sought on any proposed reporting tools and performance indicators being established for statutory inspections that will allow for monitoring of policy compliance. Ultimately however the portal should be further developed so that the entire inspection process can be managed through it which will provide a more streamlined process that will assist with any auditing and reporting requirements of the Act.

The 24 hour timeframe to undertake an inspection after notification is not achievable given resourcing requirements and notification processes currently prescribed. This must be increased to a minimum of 2 business days.

Other matters

- 12. Are there any other matters you would like to raise at this point?**

The following additional points and questions are raised:

- Within the tables in Appendix 2 of the practice direction it states that inspections must be completed within 1 business day. Where it is recommended that an inspection is on completion, or where a private certifier specifies an inspection on completion, the words “*as per Regulation 93 (1) (d)*”, should be inserted.
- There is not currently a mechanism to hold back the issuing of a Certificate of Occupancy if non-compliance is discovered onsite. Council often finds that certain aspects of the development are outside the scope of the building contract i.e. tanks for bushfire areas, however once a statement of compliance is received with an application for a certificate of occupancy, Council must issue the certificate.
- Given that there are mandatory inspections will Council be liable should they be unable to undertake these inspections?
- As some of the primary concerns raised relate to resourcing a transitional or phased in approach to the new inspection regime is supported.