



TITLE: BUILDING AND SWIMMING POOL INSPECTION POLICY

REFERENCE NUMBER:	DOC/18/74675
RESPONSIBLE OFFICER/ DEPARTMENT:	Planning and Development
APPLICABLE LEGISLATION:	Development Act 1993 Development Regulations 2008 Building Code of Australia Planning Development and Infrastructure Act
MOUNT BARKER 2035 – DISTRICT STRATEGIC PLAN:	Outcome 2: Innovative and renewed public spaces, civic precincts and urban areas
RELATED POLICIES:	<ul style="list-style-type: none">• Nil
PREVIOUS REVIEW DATES:	Nil
ENDORSED BY COUNCIL:	6 August 2018
MINUTE RESOLUTION NUMBER:	OM20180806.12
NEXT REVIEW DATE:	6 August 2021

1. PURPOSE

Section 71A (1) & Section 71AA (7) of the Development Act requires Council to prepare and adopt a Building Inspection & Swimming pool inspection Policy which specifies:

- the level of audit inspections to be carried out within the Council area including buildings that have been privately certified for building rules consent; and
- The criteria that applies with respect to selecting development under the policy.
- The requirements council must comply with as prescribed by the regulations.

Development Regulation (80AB) requires that this policy is applied in respect of Class 1 and 2 Buildings. However, Council's policy also encompasses Classes 3-10.

In preparing its Building Inspection Policy, Council has used a risk assessment approach, taking account of the following:

- the financial and human resources of the Council;
- the impact that failure to inspect a certain number of buildings of the relevant classes over a period of time may have on its local community;
- past practices of the Council with regards to inspections;
- whether particular parts of the Council area are known to be subject to poor building conditions;
- information in the possession of Council on poor building standards within its area; and
- the public interest in monitoring the standard of building work within the community and in taking steps to provide for the safety and health of people who use the buildings.

2. SCOPE

This Policy is applicable to all Residents and builders within the Mount Barker District Council.

3. DEFINITIONS

*Audit Inspection** - An *inspection* 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:

- the relevant development approval or any applicable exemption
- If applicable, any other relevant documents (for example a required checklist).

An audit inspection does not involve any assessment of building work against the Building Rules, nor any assessment of the structural or functional adequacy of any building work.

*Inspection** - A comparison by an *inspector* (with or without assistants) of (a) visual observations of that building work, and

(b) measurements of selected parts of that building work, with:

- the plans and details (if any) which form part of a development approval (or exemption) which relates to that building work.
- if applicable, any other relevant documents (for example a required checklist)¹ and may include the interview of any person associated with the building work

¹ 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.

* Except within the above definitions, 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*”.

Building – a building or structure or a portion of a building or structure (including any fixtures or fittings which are subject to the provisions of the Building Code of Australia), whether temporary or permanent, moveable or immovable, and includes a boat or pontoon permanently moored or fixed to land, or a caravan permanently fixed to land.

Building Owner – the of land on or in relation to which building work is or is to be performed the Building Rules – any codes or regulations under the Act (or adopted under the Act) that regulate the performance, standard or form of building work and includes any standard or document adopted by or under those codes or regulations, or referred to in those codes or regulations

Building Rules Consent – a consent granted under section 33(1)(b)

Swimming Pool – an excavation or structure that is capable of being filled with water and is used primarily for swimming, wading, paddling or the like and includes a bathing or wading pool or spa (but not a spa bath)

Swimming Pool Safety Features – a fence, barrier or other structure or equipment prescribed by regulation, namely, (insofar as are relevant to the particular circumstances taking into account the provisions of the Building Code): (a) fences; (b) barriers; (c) water recirculation systems; (d) secondary outlets from a swimming pool; and (e) warning notices.

4. ROLES AND RESPONSIBILITIES

Council:

- Adopt a policy that clarifies responsibilities and ensure an appropriate budget allocation is provided

Chief Executive Officer:

- To ensure that sufficient Council resources are provided to undertake the inspections;

General Manager

- To ensure that staff can appropriately assess applications in a consistent manner

Manager Development

- To ensure that the inspection timeframes are complied with.

5. POLICY STATEMENT

This policy sets out The District Council of Mount Barker's policy on the inspection of buildings and structures associated with development assessment activities in accordance with the Development Act 1993 and the Building Code of Australia.

6. NOTIFICATIONS

Pursuant to section 59 of the Development Act 1993 and regulation 74(1) of the Development Regulations, a person undertaking building work must give Council notification during the following stages of work:

- one business day's notice of the commencement of building work on the site;
- one business day's notice prior to the commencement of the pouring of footings and other reinforcing steel works².
- one business day's notice after the completion of wall and roof framing;
- One business day's notice of the completion of the installation of boundary, party and/or separating wall(s) required to be fire rated, prior to concealment (if applicable)
- One business day's notice of the installation of aluminium composite panels in buildings of 3 or more storeys
- one business day's notice after the completion of building works; and
- in the case of swimming pools,
 - one business day's notice of completion of a swimming pool (prior to the pool being filled with water).
 - completion of the construction of a safety fence or barrier for a swimming pool; and
 - in relation to other building work where swimming safety features are relevant, the completion of building work in relation to those safety features.

All applicants will be advised of the relevant notifications in writing at the time of issuing the Development Approval.

7. INSPECTION POLICY

Council will undertake inspections, as a minimum, of building work as follows:

² Council may accept a certificate from an Engineer confirming compliance of the footing design.
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- Council\Building and Swimming Pool inspection policy Jan 2018.DOCX

Dwellings and verandas – new and additions

- 66% of all dwelling approvals and verandas supported by existing roof framing, which are carried out by a licensed builder where Council receives notification, including buildings where the Building Rules Consent has been issued by a Private Certifier.
- 90% where the work is carried out by an owner builder.

Commercial Development

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.

Other structures, including swimming pools

- 100% of all approvals for Class 10b applications for swimming pools;
 - At least 80% of all swimming pools constructed over the course of a year must be inspected within two weeks of the council being notified of the completion of;
 - The construction of a swimming pool
 - Where a safety fence or barrier was required as part of the development, the construction of that fence or barrier.
 - The remaining 20% of swimming pools must be inspected (in accordance with the regulations above) within two months.

Roof Trusses for all classes of buildings, including carports and verandas where attached to a roof frame.

Buildings excepted from this requirement include Class 10 buildings (other than where attached to a roof frame), portal frame buildings (eg industrial sheds) and transportable buildings.

- for all Building Rules Consents falling into the above category the required inspection rates will be 66% where the work is carried out by a licensed builder and 90% where the work is carried out by an owner builder.

Building Rules Compliance

- Officer in conjunction with Council's Development Compliance Officer to inspect dangerous structures as soon as they are identified / reported.
- All sites for which there is a report of non-compliance.

8. CRITERIA FOR SELECTION OF BUILDINGS TO BE INSPECTED

Inspections of development where the policy requires less than 100% of approvals will be determined by the relevant officer at the time of notification and will be based on the following criteria:

- distributed between owner builders and registered builders.
- reputation of registered builder and previous experience with Council.
- local environmental factors in the area in which the building work is being undertaken (eg wind speeds, flooding, poor soil conditions).
- whether the building work was approved subject to conditions.
- any other reason determined by the relevant professional officer.

9. MONITORING AND REPORTING

Records will be kept of inspections and collated on a quarterly basis to account for the performance of Council in meeting the requirements of this policy.

10. REVIEW

This Policy will be reviewed every 3 years or earlier in the event of changes to legislation or related Policies and Procedures or if deemed necessary by the Manager City Development.

11. ACCESS TO THE POLICY

The Policy is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website www.mountbarker.sa.gov.au.

12. FURTHER INFORMATION

For further information on this Policy, please contact:

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