

REPORT TO THE MINISTER FOR PLANNING

**ON A PRACTICE DIRECTION FOR INSPECTION
POLICIES UNDER SECTION 144 OF THE
PLANNING, DEVELOPMENT AND
INFRASTRUCTURE ACT 2016**

March 2019

Executive summary

Purpose of the review

The purpose of this review was to analyse the current system for building inspection under the *Development Act 1993* including a comparison with interstate systems to provide advice on issues relevant to the requirements under section 144 of the *Planning, Development and Infrastructure Act 2016* (**PDI Act**) and recommendations about potential approaches to the Inspection Policy Practice Direction (**Inspection Policy Practice Direction** or **IPPD**) under the PDI Act.

Scope of the review

The scope of this review was framed to cover the content of the IPPD under section 144. However, considering the application of the IPPD in a vacuum was not practical, and so broader regulatory issues have been necessarily raised in this review (though not in detail).

Findings

Our general findings are:

1. The legislation does not specify any particular purpose or priority for inspections. We have assumed that public and occupant safety, public health and hygiene, consumer protection, regulatory integrity of the regime and proper standards of construction are the priorities;
2. We have attempted to address the bulk of the time and effort of inspections to the key risks, segregated into likelihood of occurrence and consequence of occurrence. The risks identified as a focus for building inspections are wet areas and waterproofing, fire systems and fire separation (including ESP), bushfire protection, new products and techniques, framing and roof trusses and swimming pools;
3. Inspections should be directed to the risks of gravest consequence and highest likelihood. While there is higher likelihood of non-compliance in owner builder residential (class 1a) buildings, the consequences are generally less serious. There is warrant for increasing the inspections of the elements of that class most closely linked to safety and consumer protection, but within a relatively limited range. Conversely, the risks in Class 1b-9 buildings associated with non-compliance can have more serious consequences. The recommended inspections target the particular risks, but with a slightly larger range of elements inspected. This approach is generally consistent with the approach of other States.
4. There is no point in inspections just for their own sake. Likewise there is no point in inspections that are ineffective because they are unable to identify non-compliance. We have attempted to balance the burden of inspections on Councils with the risk faced by communities if inspections do not occur and buildings fail.
5. We have proposed three phases to allow for legislative change and operational and capability reforms to be adopted to move from an acceptable starting point to a more ideal long term state.
6. The immediate recommendations can in our assessment be readily adopted by local government without any substantial or unreasonable increase in costs or resources.

7. There will be a need to develop skills, resources, capability and culture in both the public and private sector to ensure the regime is effective and sustainable for the years to come. Recruitment of the private sector, operating in concert with local government will therefore be important.

Our recommendations reflect these basic findings and are drawn from our analysis and interrogation of the data provided to us by Councils as well as observations of the regimes in other States.

PART 1 - The issue and the project

The State Planning Commission is required by section 144 of the PDI Act to issue a practice direction on inspection policies to be prepared by South Australian councils.

Inspections form part of a regulatory regime ensuring that buildings are built in accordance with the relevant approvals and that they are built to proper standards.

Councils have been required under the *Development Act 1993* and *Development Regulations 2008* to prepare inspection policies in accordance with that Act and those regulations. Those requirements differ slightly from the terms of section 144 of the PDI Act. At the time of issuing this report, no regulations have been made under the PDI Act of relevance to this issue.

Despite the differences in the legislative schemes, the experiences from the existing regime provide a basis for analysis of options for the IPPD.

This report provides some analysis of the current system under the *Development Act 1993*, advice on issues relevant to the requirements in section 144 of the PDI Act and recommendations about potential approaches to the IPPD.

Our approach

We undertook this project by:

1. a desktop review of all existing Council policies under the *Development Act* to provide a table showing the present scope and content of those policies (presented in **Annexure 1**);
2. a more detailed analysis of policies from a representative sample of 17 Councils in SA (presented in **Annexure 2**). This analysis was supported by interviews with relevant staff from those Councils (the results of which are summarised in **Annexure 3**) and a questionnaire to obtain data and information (presented in **Annexure 4**);
3. consulting with insurance brokers, industry organisations, builders, developers and professionals (the results of which are summarised in **Annexure 5**);
4. consulting with South Australian government agencies;
5. considering interstate legislation and systems, including speaking to Councils, peak property bodies and state agencies in NSW, Victoria and Queensland (summarised in **Annexure 6**); and
6. considering other relevant reports and reviews undertaken recently in federal and state jurisdictions.

PART 2 - Recommendations

Our recommendations are divided into **general** recommendations that apply to inspections generally, both immediately and in the longer term; **immediate** recommendations that apply to the first set of IPPD with limited requirement for reform; **transitional** recommendations which might be implemented over the next 1-2 years and will require some reforms; and lastly **ultimate** recommendations where broader legislative and other reforms are anticipated.

General recommendations

1. The IPPD should state the **purpose** for the policies with some **priorities** (for example):
 - 1.1. Protection of occupant and public safety
 - 1.2. public health and hygiene
 - 1.3. consumer protection
 - 1.4. integrity of the development control system generally
 - 1.5. standards of design and construction
2. The IPPD should direct inspections to areas of risk. It should distinguish between the likelihood of non-compliance and the consequences of non-compliance. It should target those most likely to fail and those types of building work where the consequences of failure are more serious.
3. There is limited warrant for the expansion of inspections beyond building work.
 - 3.1. General planning inspections do not need to be specifically added (they can be left to a complaint lead inspection regime)
 - 3.2. Land division does not need to be added because the section 51 process and the vesting of works in councils has the same effect.
 - 3.3. DDA compliance of existing buildings (i.e. post the construction phase) can generally be left to the Commonwealth regime;
 - 3.4. Fire safety of existing buildings (i.e. post the construction phase) can be left to fire authorities and committees.
4. Inspection policies should promote flexible, dynamic and unpredictable inspection regimes to ensure that the industry does not learn ways for avoidance. At the same time consistency in method and approach across councils is important especially for an expanded recruitment of the private sector.

Immediate recommendations

5. An expanded regime of mandatory inspections should be adopted as follows -
 - 5.1. For all (100%) class 1a buildings:
 - 5.1.1. Framing and roof trusses
 - 5.1.2. Bushfire protection (where relevant)

- 5.1.3. Wet areas and waterproofing
- 5.1.4. Completion
- 5.2. For all (100%) class 1b-9 buildings:
 - 5.2.1. Fire safety systems (including ESP and bushfire protection) and separation
 - 5.2.2. Key structural elements (footings and framing)
 - 5.2.3. Wet areas and waterproofing
 - 5.2.4. Completion
- 5.3. All swimming pools (essentially the same regime as presently applies).
- 6. Develop an expanded regime of mandatory notifications to reflect the mandatory inspections specified above, maintaining the trigger notifications of the commencement of works on site and pre-pour of footings.

Transitional recommendations

- 7. A further expanded regime of mandatory inspections should be adopted for all class 1b-9 buildings to add to those elements listed above the following:
 - 7.1. Performance solutions;
 - 7.2. Designated building products;
 - 7.3. Electrical, mechanical and hydraulic systems
- 8. Alter the system of mandatory notifications to
 - 8.1. Allow a certifier to identify particular elements of the works that ought to be the subject of a mandatory notification rather than leaving this only to the council to specify.
 - 8.2. Streamline and simplify the mechanism so that (for example by the use of an application on mobile phones) builders can readily issue the notifications to a central portal accessible by the Council, certifier and inspectors. Notifications should include further details and certifications that the relevant work has been properly completed and contact details to enable ready access and inspection of the site by the relevant inspector.
- 9. The notification and inspection regime should be linked to certificates of occupancy and compliance (which regime itself needs to be reviewed and expanded to include class 1a buildings).
 - 9.1. A failure to issue mandatory notifications and/or a failure to achieve certain satisfactory inspection results should be a bar to the issue of the certificate of occupancy.
 - 9.2. The issuing of certificates should be reviewed to allow the certifier to issue the certificate of occupancy.

Ultimate recommendations

10. Develop a system to identify the people most likely to fail to comply (owner builders, rogue builders etc) and link to the compliance intelligence system and the licencing system regulated by CBS (which may involve amendment to the criteria for licence renewals under the *Building Work Contractors Act*).
11. Amend the PDI Act to allow the private certifier to inspect the building work, to have the relevant powers of an authorised officer for that purpose and to charge a fee for inspections.
12. Develop a system of accreditation, regulation and auditing as well as necessary quality control and conflict of interest provisions for certifiers undertaking inspection work (which system could be modelled on the NSW legislation).
13. Allow (as part of the development of the accreditation system above) other suitably qualified and experienced building professionals (architects, engineers, building surveyors, trade specialists et cetera) to be recruited into the inspection process.
14. Expand the inspection regime to:
 - 14.1. changes of use or changes of building classification where the risk of building failure (albeit for existing buildings) increases (for example where a dwelling is converted to a student accommodation facility or facility for the aged or supported accommodation);
 - 14.2. existing buildings of high risk or grave consequence of failure;
15. Develop a central system for notifications, recording of inspections and deploying the inspection requests, compliance intelligence and general record keeping
16. Develop or improve record systems so that information gathered from the inspection process is consistent and standardises across local government and can be more readily reviewed and used across the State and not just within the confines of each Council.
17. A regular review of the data and records should be implemented to identify systemic or widespread problems, regular failures, rogue elements, and changing patterns or trends.
18. Consider legislative reform dealing with the Crown.
 - 18.1. The inspection regime does not presently extend to the Crown in that the obligation under the PDI Act is on a council to undertake inspections in all cases.
 - 18.2. Development out of council areas under the PDI Act is not subject to any inspection obligation.
19. Other legislative changes should be considered and implemented to ensure that the rest of the building regulation regime integrates with the inspection regime (notifications, accreditation, certificates of occupancy, compliance by councils with policies and sanctions, use of private inspection agencies, liability provisions, building work supervisors and owner builders, licensing and licence renewal for builders linked to compliance etc).

PART 3 - The current legislative context under the *Development Act 1993*

Requirement for policies

Section 71A of the *Development Act* is within Part 6. It is a direct obligation on Councils to prepare building inspection policies. There are no sanctions for a failure by a Council to prepare, adopt or adhere to any such policy.

Section 58 provides that for any development or building that is not within the area of a Council the obligations in Part 6 of the Act can be deemed by regulation to apply instead to a person or body of a class prescribed by the regulations. Regulation 73 deems that the Commission is prescribed. The *Development Act* therefore applies the requirement to prepare a building inspection policy for the "out of Councils" areas to the Commission.

Scope of policies

The detail of sections 71AA and Regulation 76D (swimming pool inspection policies), section 71A and Regulation 80AB (building inspection policies) is set out in **Annexure 7**.

The important features of the regime under the *Development Act* are summarised as follows:

1. Each Council must prepare and adopt a policy.¹
2. There is no guidance in the Act on the time to prepare it, the purpose of the policy or the detail of the policy except to the extent identified below.
3. The policy must specify:
 - 3.1. levels of audit inspections to be carried out by the council each year for class 1 and 2 buildings;²
 - 3.2. minimum inspection levels (for all classes of buildings except Class 10) of at least:
 - 3.2.1. 66% of building rules consents issued over the course of the year for building work involving the construction of any roof framing where a licensed building work contractor is responsible for the relevant building work;
 - 3.2.2. 90% of building rules consents issued over the course of the year for building work involving the construction of roof framing where a licensed building work contractor is not responsible for the relevant building work.³
4. The Council is required to "take into account" certain factors when preparing the policy;⁴

¹ Section 71A(1) for buildings and section 71AA(7) and Regulation 76D(4a) for swimming pools.

² The combined effect of section 71A(2)(a) and Regulation 80AB(1)

³ The combined effect of Section 71A(2)(a) and (4a) and Regulation 80AB(2) and (3).

⁴ Section 71A(4).

5. Swimming pool inspections policies are limited and more clearly prescribed requiring simply that the policy must comply with minimum inspection levels of:
 - 5.1. at least 80% of swimming pools constructed over the course of the year must be inspected within 2 weeks of the council being notified of the completion of the pool or safety barrier;
 - 5.2. the remaining 20% must be inspected within 2 months of the council being notified of the completion of the relevant work.⁵

The inspection policies of course occur in the context of a broader regime which includes certain mandatory notifications of prescribed stages of building work given by the owner or building work contractor.⁶ The notifications must include certain prescribed information, including, in the case of roof framing and designated building products, a checklist setting out certain details.⁷

Fire safety of buildings is also regulated under other provisions of the *Development Act* including section 71 which enables Councils to establish fire authorities for their area (alone or in conjunction with other Councils)⁸. These authorities have powers to inspect buildings (existing or under construction) at any time to determine whether fire safety is adequate and to issue notices requiring action to remedy any fire safety irregularities⁹. These authorities are not subject to any requirement to adopt building inspection policies (nor are they prevented from having them either).

Regulation 76 deals with essential safety provisions (ESP) which broadly include a range of largely fire safety related elements or mechanisms such as smoke and fire doors, fire shutters, sprinklers, warning signs, lighting, pump sets, fire extinguishers etc.¹⁰. It applies to a building in which essential safety provisions are installed or are required to be installed or inspected, tested or maintained under the Building Code or former regulations under the Building Act. Under Regulation 76(2) it does not cover smoke alarms in class 1a buildings (eg single storey dwellings).

The owner of the building must within a reasonable time after installing the safety provisions provide to the Council a certificate of compliance for each essential safety provision in accordance with schedule 16 which has been signed by the person responsible for the installation work¹¹. The owner must not use the building unless maintenance and testing have been carried out in accordance with the Minister's specification¹². This is not an inspection regime, but is a form of self certification and reporting to the relevant Council on the maintenance and testing of ESP.

Certificates of occupancy and compliance

Certificates of occupancy are required to occupy a building (other than class 1a and 10) after building work has been carried out¹³. To obtain the certificate of occupancy the owner must provide certain information including a statement of compliance under schedule 19A and evidence to show that any conditions have been satisfied.¹⁴

⁵ Combined effect of section 71AA(7) and Regulation 76D(4b).

⁶ See section 59 and Regulation 74.

⁷ See Regulation 74(1) and (5)-(7a).

⁸ See Section 71(18).

⁹ See section 71(2) and (3).

¹⁰ See Minister's Specification SA 76

¹¹ See Regulation 76(5).

¹² See Regulation 76(6).

¹³ See section 67 and Regulation 83

¹⁴ See section 67(3)(b) and Regulation 83(2).

If a building is to be equipped with booster assemblies to be used by a fire authority or to have a fire alarm which transmits a signal to a fire station and facilities fire detection, firefighting or the control of smoke that must be controlled so that must be installed in the building then the council must not grant a certificate of occupancy unless it has sought a report from the fire authority¹⁵. This does not require an inspection or relate to any inspection policy by the Council or fire authority.

Regulation 83A provides that a person must not occupy a Class 1a building that has not been fully completed in accordance with the development authorisation unless it is structurally sound and weatherproof, the building work has been carried out in accordance with the relevant approval, it includes all items specified in clause P2.4.3 of the building code, all connections for the supply of water and disposal of effluent have been made, if the building is in a bushfire prone area then the requirements of the Minister's Specification SA 78 are complied with and all smoke alarms have been installed and tested. Again, there is no link to any inspection requirement, this is simply an obligation on any prospective occupant.

Lastly, a statement of compliance in the form of schedule 19A must be provided to the Council or certifier within 10 business days of a notice of completion of works (or occupation of a class 1a building).¹⁶ This statement is not in any way linked to any inspection.

¹⁵ See Regulation 83(4).

¹⁶ See Regulation 83AB.

PART 4 - The PDI Act

The regime for inspections under the PDI Act is similar to the *Development Act*. The scope of section 144 of the *PDI Act* is broader than the existing regime under s71A of the *Development Act* 1993, at least in so far as the former applies to “development” whereas the current system is limited to “buildings” and then only those identified by Regulation.

Similarities include the notification obligation in section 146 (same as DA s59), the requirement for certificates of occupancy in section 152 (same as DA s67), and section 157 dealing with fire safety (largely but not exactly the same as DA s71).

Section 58 of the *Development Act* applies the building inspection provisions to the Commission. Section 145 of the PDI Act is in Part 11, not Part 10 of the PDI Act. Therefore, the building inspection provisions of the PDI Act do not apply to the Commission.

Section 156(5) of the PDI Act requires the Commission to prepare a practice direction for inspections of swimming pools in similar terms to section 71AA(7) of the *Development Act*.

Section 144 of the PDI Act states -

- "144 (1) The Commission must issue a practice direction that will require councils to carry out inspections of development undertaken in their respective areas.*
- (2) The practice direction may make different provision in relation to different councils (or groups of councils).*
- (3) The Commission must, when preparing (or varying) the practice direction, take into account the following matters (and may take into account other matters):*
- (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;*
 - (g) the public interest in ensuring that development is undertaken in accordance with the requirements of this Act.*
- (4) A council must comply with the requirements of the practice direction as they relate to the council.*

Like the *Development Act*, when preparing the IPPD the Commission must take into account the matters in section 144(3) (but is not bound to make any particular practice direction in respect of those matters, provided those matters are considered). The Commission may take other relevant matters into account as well.

As the relevant regulations under the PDI Act have not yet been made, we have not been able to comment or compare anything to the *Development Regulations*.

PART 5 - Findings and recommendations from previous reports

Building safety and inspections have been considered in several reviews over the last decade both in South Australia and interstate. It is valuable to consider the pertinent recommendations for the purposes of this report.

Ministerial Task Force on Trusses Final Report October 2008

The Minister appointed a task force to consider the findings and recommendations of the Coroner following the tragic Riverside Golf Club collapse in 2008. The task force issued a report in October 2008 making various observations and recommendations of particular relevance to this report, including the following.

1. *"The completion of framing is vital for structural stability and can only be verified while the framing is still visible before wall and ceiling linings are installed. As such, this is a critical stage of building construction that warrants an inspection and should require a compulsory notification to the Council."*¹⁷
2. Coroner's recommendation 15.8 was that *"The Minister for Local Government conduct an assessment to ascertain the extent to which local government is not carrying out random, or indeed any, inspection of building works, and not requiring an independent verification that the roof has been constructed in accordance with the plan"*.

Shergold Weir Report

In February 2018 Professor Peter Shergold and Bronwyn Weir delivered a report to the Building Ministers Forum entitled "Building Confidence – Improving the Effectiveness of Compliance and Enforcement Systems for the Building and Construction Industry across Australia".

The Building Ministers Forum required an assessment of the effectiveness of compliance and enforcement systems for the building and construction industry across Australia. The report focused more on shortcomings in the implementation of the National Construction Code.

Broadly speaking the recommendations in that report are sensible and worthy of consideration for adoption within South Australia to the extent that they are not already addressed. The key observations and recommendations in that report of relevance to this report are summarised as follows:

1. Recommendations 18 to 19 in the report emphasised the importance of inspection regimes. Shergold and Weir stated¹⁸ that *"we recommend that jurisdictions require on-site inspections for all building works and that there be greater oversight of the installation and certification of fire safety systems in commercial buildings"*.
2. *"... the majority of building work is constructed without oversight. Mandatory inspections are limited in their ability to detect non-compliance. Some of the most important safety elements are hidden from view and a point in time inspection cannot properly assess essential construction processes. Whilst inspections during building work have merit, the competency of builders will always be a critical factor in the effective implementation of the NCC"*.¹⁹

¹⁷ Page 10 paragraph 6.3 and see recommendation 15 which led to the present regulation 80AB(2).

¹⁸ At p5.

¹⁹ At p13.

3. Recommendation 18 *"that each jurisdiction requires on-site inspections of building work at identified notification stages"*.
4. *"Inspection stages need to be proportionate to risk. They should be aligned to checks of work involving structural elements and safety. They should also cover work which would be difficult to view at a later stage, such as in situ reinforcement in footings and framing work. For domestic building work the following requirements are suggested:*
 - 4.1. *minimum mandatory inspections of -*
 - 4.1.1. *in situ reinforcement in footings\slabs;*
 - 4.1.2. *frames, including roof constructions;*
 - 4.1.3. *fire rated wall systems;*
 - 4.1.4. *pool barriers; and*
 - 4.1.5. *final, post-completion of all work*
 - 4.2. *The ability for building surveyors to require additional inspections identified at the time of approval and guidance about when this might occur such as additional inspections of work which has been the subject of a performance solution;*
 - 4.3. *In addition there could be a mandatory notifications process, where the building surveyor is notified at a defined stage of work, and a building surveyor applies a risk based approach to determine whether to inspect these stages; and*
 - 4.4. *all on-site inspections should be carried out by, or be under the supervision of, registered surveyors or inspectors or by, or under the supervision of, registered engineers for prescribed types of work."*²⁰
5. *"For commercial building work the following requirements are suggested*
 - 5.1. *provide guidance which must be used by building surveyors to determine inspections required for commercial buildings.It would require the surveyor to set out the inspections required at the time of the initial approval and to consult with engineers about appropriate inspections points. ...; and*
 - 5.2. *on-site inspections to be carried out by, or under the supervision of, the building surveyors or inspectors or by, or under the supervision of, registered engineers for prescribed types of works"*.²¹
6. Recommendation 19 *"That each jurisdiction requires registered fire safety practitioners to design, install and certify the fire safety systems necessary in commercial buildings"*.
7. *"The requirements necessary to implement this recommendation include mandatory certification of the testing and commissioning of fire safety systems by registered fire safety system practitioners. To avoid any conflict of interest the certification of testing and commissioning should not be performed by the system installer..."*

²⁰ At p34.

²¹ At p 34.

Where there are performance solutions on fire safety performance requirements a registered fire engineer should be required to certify that the work complies with the fire safety engineering design. The registered fire engineer may need to inspect the building at various stages in order to be able to issue a final certificate. At the time the fire safety engineering design is prepared, the building surveyor should be advised to the required notification stages for inspection by the fire engineer".²²

Independent review of the *Building Professionals Act 2005*, Final Report October 2015, State of New South Wales

The NSW Government appointed Mr Michael Lambert, a former secretary of the NSW Treasury Department to assess the effectiveness of the NSW *Building Professionals Act 2005*. He was asked about the broader issue of the effectiveness of building regulation and certification system that applies in New South Wales and to make recommendations to improve the operation of the Act and the overall regulatory system.

In New South Wales, building inspections are undertaken by private building certifiers. Many of the recommendations in the Lambert report address the broader regulatory regime but do so in the context of the role that certifiers play in inspections.

In 1997 amendments to the New South Wales legislation transferred the building control regime from the *Local Government Act* to Part 4A of the *Environment, Planning and Assessment Act* and changed the certificates that were issued by various certifying authorities. Compliance certificates evidence that work was carried out in accordance with specified plans, construction certificates which specify that work completed in accordance with plans will accord with the Building Code (similar to our building rules consent) and occupation certificates which authorise the occupation and use of a building. The legislation also provided for complying development certificates to be issued by accredited certifiers permitting construction of certain structures without requiring development applications.

As a regime which is closer to a model for certification and inspections than the regime in South Australia, the NSW legislation has much from which we can draw. This will require legislative change however. Nonetheless, some useful observations and recommendations from that review are relevant in South Australia as follows.

1. Develop a framework for a risk-based determination of critical building inspections for Class 2 to 9 buildings. This provides a framework for certifiers to assess the risks involved in particular buildings and to adjust the number and type of critical stage inspections accordingly. While such an approach would be a useful addition, further consideration should be given to whether the number of mandatory critical stage inspections should be expanded to Class 2 to 9 buildings in addition to establishing a risk based approach to assess the need for inspections above the mandatory number.²³
2. Lambert proposed the following:²⁴
 - 2.1. A pre-commencement site inspection be required for all classes of buildings;
 - 2.2. expanded number of mandatory inspections for class 2 to 9 buildings;

²² At p 35

²³ At p228.

²⁴ At p229.

- 2.3. that certifiers be required to undertake a risk assessment for any class 2 to 9 building they are to certify at the commencement of the construction stage and determine, based on that risk assessment, what additional inspections above and beyond mandatory inspections would be appropriate and prudent;
 - 2.4. a practice guide for building certifiers set out clearly the requirements for undertaking a risk assessment of the building;
 - 2.5. certifiers be required to prepare and issue an inspection schedule with each consent for building work in order to clearly communicate to the builder what was expected by the certifier;
 - 2.6. require the certifier to confirm and document during each critical stage inspection that the work is consistent with the development consents
 - 2.7. Require that all buildings be assessed for an occupation certificate;
 - 2.8. building certificates not be provided to buildings that have missed an inspection.
3. Lambert identified two critical building systems worthy of early reform action being fire safety systems and waterproofing. The first because of the potential loss of life. Waterproofing he identified as not necessarily life-threatening but perhaps the most frequent building defect and one that creates considerable discomfort and cost and yet should be capable of being properly and effectively addressed. If waterproofing is undertaken properly at the time of construction, the cost is relatively modest, if not done properly upfront, costs of rectification is very high.²⁵
 4. Lambert suggested that suitably qualified and experienced persons are accredited to certify the installation and ongoing operation of critical building systems and elements and that critical building systems and elements be defined for class 1b to 9 buildings to include structures, electrical, mechanical and hydraulic systems (and measures) and waterproofing.
 5. Early priority be given to the implementation of an accreditation and certification scheme for the design installation and commissioning of fire safety systems and measures and waterproofing.²⁶

²⁵ At p231.

²⁶ At p 232.

PART 6 - Analysis and lessons from the current system

Consultation

The consultation revealed varied responses from and within the different sectors. At a high level, the following consistent or compelling feedback should be highlighted:

1. Likelihood and seriousness of noncompliance
 - 1.1. The highest likelihood of nonconforming building work is in waterproofing and wet areas in **class 1a** buildings and renovations;
 - 1.2. That likelihood is higher for owner builders or developers;
 - 1.3. Roof framing and swimming pools are subjected to the most inspections and therefore reveal the majority of defective work, but the fact that these matters are the focus of inspections likely skews the data;
 - 1.4. For class 1a buildings, roof framing and swimming pool safety features were the building elements most likely to involve serious non-compliance;
 - 1.5. The likelihood of non-conforming work for class 1b-9 buildings is different to class 1a;
 - 1.6. For **class 1b-9**, the greatest likelihood of non-conforming work was related to the complexity of the building element or construction technique or novelty of the product, not so much the type of building or development;
 - 1.7. Within class 2 buildings particularly, emerging or newer entrants to that sector (eg builders more familiar with class 1a dwellings who move following market demand into 2-4 storey apartment or townhouse buildings with fire separation, balconies and more complex roofing and waterproofing) were a higher risk (both likelihood and consequence).
 - 1.8. The areas of greatest likelihood on non-conformity are fire separation and systems, waterproofing (including roofing and balconies) and wet areas, novel or complex systems or techniques;
 - 1.9. The areas of more serious noncompliance for class 1b-9 buildings were similar to those relating to the likelihood.
2. Effectiveness of current policies
 - 2.1. They are adequate in so far as they go, but they are limited and generally Councils inspect the bare statutory minimum;
 - 2.2. Some Councils have developed "creative"²⁷ interpretations of the Regulations to go below the minimum inspections.
 - 2.3. The effectiveness of the inspection regime is very dependent on the notifications given by builders;

²⁷ So creative in fact that they are simply wrong. For instance some admit to only inspecting 90% of notifications not building consents issued. Another proudly proffered the interpretation that any inspection, (even just of the footings) of a building where roof framing is proposed is counted towards the 90% of roof framing inspection quota, even though the framing is not actually inspected.

- 2.4. Most involved in the commercial construction sector (essentially larger class 2 to 9) have either no recollection or very limited observations of Council inspectors ever attending a construction site.
 - 2.5. Builders know which Council's inspect and which Councils don't;
 - 2.6. The experience and expertise of the inspector has a large bearing on the effectiveness of the inspection;
 - 2.7. Some work cannot be readily inspected at a point in time because a defect may not be obvious by visible inspection (and requires testing of some sort) and/or it is the process of construction and/or the coordination of various trades that is important;
3. What would you change?
 - 3.1. A better notification system;
 - 3.2. More mandatory inspections;
 - 3.3. Get engineers and certifiers in to inspect the work they have designed or certified, especially for more complex elements.
4. Who will pay for any increase or expansion in the regime?
 - 4.1. The Council (and recover in rates);
 - 4.2. The applicant (by application fees);
 - 4.3. Cover by efficiencies in the current system;
 - 4.4. The private sector might charge \$120-\$250 per hour for inspections;
 - 4.5. For commercial projects, the cost of \$2,000-\$4000 for inspections is inconsequential given the overall cost of construction and the cost already incurred by builders and developers engaging their own design engineers to inspect critical phases of construction;
 - 4.6. For the residential (class 1a) market, it was relayed to us that an extra cost of \$800-\$1000 on top of the cost of a \$100,000 house is significant and will reduce the number of housing starts;
5. How would any expansion be resourced (by skilled people)?
 - 5.1. By existing capacity within local government;
 - 5.2. From the private sector (certifiers, engineers etc);
 - 5.3. Sharing resources and varied loads across Councils
6. Duration of inspections
 - 6.1. The shortest average duration reported by Councils was 25 minutes;
 - 6.2. The longest average duration reported was 1.5 hours (including paperwork);
 - 6.3. The shortest duration recorded was 5 minutes;

- 6.4. The longest duration recorded was 2 hours;
 - 6.5. Many did not have accurate records of the time taken;
 - 6.6. Most suggested inspections vary between 10 minutes to 1 hour
7. Gaps in data
- 7.1. The data we were able to obtain was poor and inconsistent. Records kept by Councils vary and the data given to the Department by Councils was not necessarily the same we obtained from the Councils direct.
 - 7.2. There is very little evidence of compliance levels overall. Such data that is collected is limited to the areas of focus (roof framing and swimming pools).
 - 7.3. The segregation of data was limited and poor. Some Councils counted all inspections (planning and building, notification driven or complaint driven) as one, others were able to separate some or all of these elements.
 - 7.4. Few Councils could provide a budget or spend on inspections.
 - 7.5. Many responses from Councils were qualified in some way.

Desk-top review of Council policies

We reviewed all 67 Council policies²⁸ against various items in a simple checklist to ascertain the consistency of approach by Councils across the State. The results of this review are shown in the table in **Annexure 1**. The table shows great variety in the number of pages for each policy and whether the policy specifies criteria for selecting sites for inspection, a process or procedure for inspections, the priority for inspections, monitoring and reporting.

There does not appear to be any logical basis for or differences across the Councils. The differences do not seem to be based on any geographic, demographic, economic or social reasons. The differences seem to reflect nothing more than the fact that the policies were each prepared by different people in different organisations.

It is desirable that, to the extent possible, policies across the state are consistent (except to the extent that they differ because of the factors specified in section 144 of the PDI Act). Achieving a high degree of consistency will assist the local government sector in understanding and achieving compliance with its policies (for example as staff move between councils and as private sector employees are recruited into local government etc). It also assists the building and construction industry in appreciating the policies of councils given that many builders work across different council areas throughout State.

We collated data from 17 Council websites, responses to our questionnaire to the 17 councils and data provided by Councils to the Department on various issues including the number of development applications processed (by category), the fees received, the number of sites inspected, the number of inspections, the number of notifications, Council budgets for inspections, the actual spend on inspections, total FTE devoted to inspections, the use of contractors, the duration of inspections, the total hours spent on inspections, the number of non-compliances discovered and further enforcement action taken. That data is set out in the tables presented in **Annexure 2 to 4**.

²⁸ We could not find or obtain a policy for the Coober Pedy Council which was in a particular state of turmoil at the time of conducting this survey.

Some important observations can be drawn from this data of relevance to the matters in section 144 of the PDI Act as follows:

1. The key differences between councils relate to:
 - 1.1. the number of development applications received;
 - 1.2. the number assessed by the Council compared to those assessed by the SCAP (for example the City of Adelaide has a higher proportion of SCAP assessed developments);
 - 1.3. the size of the Council area; and
 - 1.4. the size of the population within the Council area.
2. Within the metropolitan area, the Council area and population variances show a relatively direct relationship to the number of development applications received and the overall council budgets.
3. There is not quite the same linear relationship for rural and regional councils. However, the rural and regional councils have much lower development application numbers. For example rural councils typically receive less than 200 development applications per year and regional cities receive less than 400 per year. While they may have considerably lower populations and substantially larger council areas these numbers of applications are substantially lower and well within the realm that can be inspected by one person (possibly with some assistance by a part-time employee or a contractor if required).

The financial resources of Councils have been considered by looking at the development application fees received as shown in **Annexure 4** and the total overall Council budget shown in **Annexure 8**. In all cases the Councils were well funded, substantial operations capable of funding at least one employee directed to the inspection task.

Most Councils have resources of one or more FTE devoted to inspections.

The size, area and population of each Council is shown in **Annexure 8**.

The development application numbers from 17 Councils have been broken down by development type in **Annexure 4**:

4. In regional areas, generally residential development comprises 60 to 70% of applications by development application type.
5. In the metropolitan area this is closer to 95% of applications (except for the City of Adelaide where residential development is a lower proportion and sits closer to 40%).

The review of efficacy and compliance of the Council policies is shown in **Annexure 2** and the key issues can be summarised as:

6. Compliance by Councils with their own policies and the requirements of the Act was limited:
 - 6.1. 7/17 met their own level of audit inspections;
 - 6.2. 11/17 met the 66% roof framing requirement and 7/17 met the 90% roof frame requirement; and
 - 6.3. 12/17 met the swimming pool inspections requirements.

The efficacy and compliance review suggests that the main issues with the current inspection regime include:

7. There is no sanction on a council for failing to meet the requirements of its inspection policy or the inspection requirements under the regulations. A change to the legislation would be required to alter this position and it is not something that can merely be addressed by the IPPD.
8. It does not appear that inspections of building work are a sufficient priority for all councils.
9. Not all councils manage the inspection process from the gathering of information about building consents granted, notifications received, inspections logged and dispatched and results of inspections or non-compliance monitored and reported. Some councils manage that process very well but as a whole, much more could be done on the coordination, management, data gathering and reporting.
10. The process is very much driven by a mandatory notifications and compliance by builders with the issuing of mandatory notifications. It is clearly very difficult for a council inspectorate to know when building work is occurring or has reached particular stages in the absence of notices being issued by builders as required by the legislation.
11. The adherence to the policies tends to be a focus on achieving the bare minimum numbers required. The absence of any express purpose in the policies leads simply to the adherence to the statutory minimum as the principal goal.

The improvements that are obvious include a requirement for more mandatory notifications, more mandatory inspections, focused inspections on risk, improvements in management and reporting of inspection and development data and the segregation of the inspection regime for class 1a buildings and class 1b to 9 buildings.

Lessons from the present system

The present regime is adequate in so far as it goes.

12. Many respondents reported that the roof framing obligation with a specific numeric target has seen improvements in compliance levels within the construction industry. Anecdotally, councils and builders referred to a change from a 50% compliance rate prior to the regime being implemented leading to between 70% to 90% compliance rate presently.
13. Notably there is no reliable data to substantiate this anecdotal observation.
14. The system is easier to follow where express targets and mandatory requirements are specified particularly for roof framing and swimming pools.
15. The system does not segregate the risk associated with different types of building work or elements or stages of building work (such as a segregation between class 1a buildings and class 1b-9 buildings) other than identifying roof framing and swimming pools.
16. It could specify more mandatory notifications and more mandatory inspections.
17. Greater detail or guidance on the inspection process for example by inspection protocols or checklists for various items would assist.

There appears to be a capacity within the local government sector that is not utilised. This may in part be due to the fact that there is a degree of artificial separation at the council boundary such that building inspectors are employed to operate within the area of the Council. There is no incentive and no regime for building inspectors to be deployed more broadly across the State in a manner that allows them to adapt to variations in demand on a daily or weekly basis rather than simply within the confines of the area of their employer council.

To gauge the latent capacity of councils we have summarised some key data in the Resources and Workload table set out in **Annexure 9**. That table addresses 17 councils and lists data obtained from interviews, questionnaires and DPTI data.

18. We multiplied the total number of building rules consents issued by the council by 5 to gain a rough measure of the number of inspections that might be required (assuming that there were five mandatory inspections necessary for each building consent issued). Obviously not every building consent will be implemented and there may be occasions when more or less inspections are required but as a rough guide, five inspections per building consent indicates a degree of workload which correlates roughly with the recommended level of inspections in this report (biased toward class 1a, given that this is the overwhelming majority of developments across the State).
19. We assumed:
 - 19.1. that each inspector had 247 workdays available during the year (365 days less weekends and public holidays);
 - 19.2. one hour per inspection (based on the varied feedback from councils about the duration of inspections);
 - 19.3. six inspections per day per FTE
20. The table shows:
 - 20.1. the number of inspections per day that would be needed to achieve five inspections per building consent; and
 - 20.2. the number of FTE required to undertake those inspections.

Some of the data is unreliable and some councils had no data for some of these elements. Where possible we used data from 2017\2018 but if not available then we drew upon previous years' data. Likewise where councils did not supply data directly in response to our questionnaire we adopted the data that had been provided by the council to the Department. Nonetheless there are some councils where the responses in some respects seem anomalous.

Putting some of those data gaps and anomalies to one side the table gives a snapshot of the workload associated with the current regime and a potential escalation of that regime.

Presently the inspection ratio between the number of notifications and the number of inspections is between 1:0.288 (Mitcham) and 1:0.54 (Charles Sturt). The ratio was higher for Naracoorte (1:0.87) but Naracoorte had very low overall numbers at approximately 80 to 90 inspections.

Comparing the existing FTE to the number of FTE required (given the assumptions explained above), most councils presently have sufficient FTE employed to be able to achieve five inspections per building consent. Those that were not able to were generally only short by two FTE.

The City of Adelaide is anomalous in that the total number of inspections recorded by the Council is a staggeringly low 215 while the number of building consents issued is listed as 378. This is probably due to the fact that many approvals were issued by the Commission within the City of Adelaide and many of the building consents within the City are issued by private certifiers. The true number of building consents issued within the City would therefore be considerably higher. Nonetheless the number of inspections is remarkably low.

While this table is by no means an exhaustive assessment of resources and capability, it draws as much as possible from data provided by councils on some of these key resources. It shows that, by and large, most councils should be able to readily respond to an increased inspection workload either by absorbing it within the current FTE employed by the council or at most by an additional two FTE.

It may also be that some of the resources across councils can be shared such that those with an excess of FTE above that required could share the resource to neighbouring councils if their systems of data and management of inspections were better managed and coordinated.

Accordingly, our recommendation that all building work (that is 100%) be subject to the inspection regime in the immediate phase is proposed on the basis that -

For Class 1a buildings:

21. There will in fact be slightly less buildings constructed than building consents issued;
22. The number of mandatory inspections proposed is five (frame, pool, bushfire, wet area, final), however for most dwellings, swimming pools and bushfire measures wont be required reducing the inspections to three (accepting though that there will be some re-inspections);
23. Even at five inspections, there is capacity within existing resources on our analysis;
24. The reports and reviews across various jurisdictions referred to in this report all point to the importance and priority of inspections and most other jurisdictions with higher building volumes (NSW, Victoria and Queensland) have regimes like this;
25. There is scope for efficiency and improvements in inspection regimes including sharing of resources across Council boundaries and the use of contractors to meet any resource limits;
26. All Councils are well funded and can meet the likely neutral or modest (up to 2 FTE) increase given the importance of this issue.

For Class 1b-9 buildings -

27. Similar observations to those made above for Class 1a buildings apply;
28. The total number of inspections is nominally five, albeit the way a particular building is constructed may mean that elements such as fire systems or key structural elements require several inspections which might in fact mean that the number of inspections is closer to ten.
29. The number of buildings within these classes and the proportion of these buildings to construction activity overall is relatively low, except within the City of Adelaide;

30. Private engineers are commonly involved in the inspection of these buildings at present. There is capacity for local government to engage contractors from that sector to undertake the inspections if the Councils are not able to meet demand.
31. This is an important aspect of building work that is not being inspected despite the clear and pressing need to do so.

PART 7 - Other states

We reviewed the legislation and practices in Queensland, NSW and Victoria. We have summarised the legislation and the feedback from interviews with Government Agencies, Councils and peak property bodies in **Annexure 6**

The key lessons from those systems are that:

1. Private certifiers perform a large volume (if not all) inspections;
2. Mandatory notices and mandatory inspections generally cover a much larger range of stages of the constructions process;
3. The notice and inspection regimes are segregated into different types of building work and or classes of buildings.

PART 8 - Findings and recommendations for the new system

We set out below the basis for our recommendations.

Purpose and priorities

The legislation does not specify any particular purpose or priority for inspections. A general statement of purpose and enunciation of the priorities for building inspections would assist local government in marshalling and focusing its resources appropriately. The experience has shown that in the absence of a clear purpose and set of priorities at the high level, policies tend to be focused on simply achieving the statutory minimum. While that may be adequate it is hardly best practice.

The IPPD divides an opportunity to set that policy and priority that is not otherwise evident and can guide and motivate the inspection regime. The purpose and priorities is clearly a matter for the Commission to determine. We have suggested that the purpose ought to be -

"To ensure that buildings are constructed in a manner that is consistent with approvals and to a high standard for the protection of occupant and public safety, the maintenance of public health and hygiene, consumer protection, the integrity of the development control system and proper standards of design and construction".

That sequence also contains the priorities with the protection of occupant and public safety being the first priority and the maintenance of standards of design and construction being the lowest priority. These matters are drawn from the observations in the interstate legislation and reports referenced in this report along with the feedback from consultation that we undertook. It reflects to some extent other elements of the National Construction Code in any event.

Risk as a focus for the inspection regime

We have suggested that the principal efforts motivated by the inspection regime be directed to areas of greatest risk.

We have segregated risk into the likelihood of non-compliance on the one hand and the consequence of non-compliance on the other.

Risk is an amalgam of the likelihood of something occurring and the gravity or consequence of that occurrence.

In the building context there may be a high likelihood of nonconformity with approved plans (for example within homeowner renovations). While those homeowners renovators may lack the skills and systems to be able to properly adhere to approvals and therefore be more likely to breach the terms of an approval, the consequences of those breaches may be less significant. In many instances the nature of building work being performed by home renovators does not expose occupants to high degree of risk of safety or failing in health and hygiene.

However in the case of a multi-level, multi occupancy aged care facility constructed by a commercial builder, while the likelihood of failure of a critical fire safety system may be low the consequence of failure in such circumstances could be catastrophic.

We have attempted to segregate risk by applying a lower burden of inspections to the lower likelihood and low consequence circumstances escalating through to the higher likelihood lower consequence circumstances to apply the greater degree of inspection focus to the high consequence low likelihood and high consequence high likelihood risks.

Broadly speaking, the use of risk to drive inspections is motivated also by the stated purpose and priorities in this report. In some respects these purposes and priorities as expressed are probably self-evident. They are nonetheless consistent with the approach taken interstate and as identified by Shergold and Weir²⁹ and in the Lambert report.³⁰ It is an approach that clearly underpins legislation in Queensland, New South Wales and Victoria.

In short terms, by applying a risk focus we maximise the return on the considerable investment that society makes in the inspection regime. With limited resources to be deployed it is sensible that they be deployed to the areas of principal concern.

The risks typically identified in consultation and by reference to other legislation include:

1. wet areas and waterproofing;
2. fire systems and fire separation (including ESP);
3. new products and techniques;
4. framing and roof trusses; and
5. swimming pools.

We have essentially segregated those risks on the basis that:

6. waterproofing tends to be of a lower consequence to public and occupant safety but may be of high consequence to public health and hygiene and consumer protection.
7. Fire systems and separation clearly have potential for high consequence for public and occupant safety.
8. New products and techniques likewise may have great variation in consequence but have a high likelihood of non-compliance.
9. Framing and roof trusses have been the subject of considerable analysis in South Australia since the Riverside tragedy. We saw no reason to depart from the considerable work done to develop the inspection regime on this issue.
10. Swimming pools appear from consultation to have both high likelihood and potentially grave consequences in the event of non-compliance.

Class 1a buildings constitute the vast majority of buildings constructed across the State, even in country and rural areas. This means that the likelihood of non-compliance is higher just because the sheer number is higher in total. However because of the cost to the consumer of an overly exuberant inspection regime (and because of the ability of local government to service it) we have identified this class for a particular inspection regime.

Class 1b - 9 buildings generally have graver consequences in the event of failure due to the nature of the occupants and the nature of the buildings (often multilevel, multi-occupant with greater dependence). These risks are reflected in the classifications under the NCC. We therefore applied a different inspection regime to those classes.

²⁹ At p 34.

³⁰ At p 228.

Risks also apply depending on the builder. These risks are more difficult to identify. In general terms some builders have better systems and processes or simply a better attitude to compliance than others. It is difficult in an inspection policy to specifically target those builders. The process of targeting the rogue element is something that should be the focus of inspections but is difficult to expressly identify. For this reason our suggestions relate largely to the way in which data is gathered monitored and shared across councils and other agencies so that rogues can be identified and appropriate inspections monitoring and enforcement action taken (maximising the investment that the State makes in the inspection regime).

We have not segregated risk based on developers (for example those building to own or those building to sell). Similarly to the approach taken to rogue builders, with the longer term adoption of data gathering and assessment techniques, risks associated with certain types of developer can be identified and future inspection policies targeted towards them.

Additional risks apply in bushfire areas and areas subject to coastal inundation or flooding more generally. We have not, in the immediate phase suggested particular building inspections associated with flooding or coastal inundation on the basis that particular building techniques tend not to be responsive to those matters. We have suggested building inspections related to bushfire zones.

Effect on local communities

The requirement to take into account the terms of section 144(3)(b) "*the impact that a failure to inspect a certain number of developments over a period of time may have on local communities*" has influenced the recommendation of 100% inspections for all building work within the relevant classes.

There does not seem to be any obvious basis for reducing the proportion inspected. Any proportion below 100% would frankly be arbitrary. There are no communities or locations or developments that should be inspected less than others. The issue is more a matter of resources, capability, cost and risk (which matters are considered and discussed throughout this report).

Costs and resources for immediate recommendations

The immediate recommendations have been made on the basis that they can be readily adopted by local government without any substantial or unreasonable increase in cost or resources. Some regulatory and legislative change will be needed to the extent that the new regulations under the PDI Act will need to expressly require mandatory notifications to address the stages referenced in the suggested inspection stages. Otherwise it should be relatively readily adopted without substantial impact on resources.

We suggest that the regime recommended for the "immediate" phase apply to all buildings within the respective classes. That is 100% of buildings within those categories will be inspected under that regime. This is an increase from the current regime whereby 100% of swimming pools and up to 90% of roof framing is inspected.

We have set out the basis for this recommendation earlier in this report. We have mitigated the obvious demand this places on resources by limiting the class 1a inspections to the bare minimum given that this class is by far the overwhelming volume of construction activity across the State. In the case of Class 1b-9, again, the immediate phase inspections have been limited to what we consider to be the acceptable minimum considering the risks. The impact of this recommendation will be felt most by the City of Adelaide and to a lesser extent those Councils where a slightly higher number of these buildings are constructed. By and large, the brunt of that demand occurs within larger Councils with ample resources or the ability to recruit adequate resources.

Limited scope for expansion beyond building work

There is limited need to expand the inspection regime beyond building work at present. We have therefore limited the focus largely to inspections of building work as has been the case for some time. We acknowledge that the PDI Act expands the potential for inspection policies beyond simply inspecting building work however we note that general planning compliance can and will still be addressed by a complaint lead inspection regime rather than a policy led regime. Complaints about privacy treatments on upper story balconies are less significant to matters of public safety than assessment of whether the balustrade has been properly installed.

Land division generally does not need to be the subject of inspections given the existing regime under section 51 of the *Development Act* has been carried into the PDI act and effectively requires councils to be satisfied with works before they vest in the council's ownership.

The NCC requires certain measures for building access. These measures are not expressly referred to in our recommendations as being a focus of the inspection policies albeit that is not to diminish the need for compliance with them.

However we have not recommended that inspection policies be expanded to cover existing buildings (that is after construction has completed and occupancy has occurred) for DDA compliance because there is a separate regime under Commonwealth legislation to regulate that issue.

Lastly the fire safety of existing buildings is currently within the power of fire authorities under the *Development Act*. Those same provisions have been included in the PDI Act. We have not recommended inspection policies for fire safety be included in the IPPD on the basis that inspections of existing buildings for fire safety is something that is (or should be) already addressed by fire safety authorities.

Flexibility and consistency at once

As a general proposition inspection policies should be intended to audit compliance. That is best done by a degree of flexibility, dynamism and unpredictability so that industry is not able to readily learn the system and cover-up. With mandatory inspections clearly the mystery is diminished. However for any other inspections or for any other discretionary elements of inspection policies, a degree of dynamism is important to overall compliance.

Likewise it is important that systems and approaches are consistent. For example the way in which matters are thoroughly and carefully inspected needs to be consistently deployed just as the data and reporting and management of the inspection regime needs to be consistently addressed across the state.

Class 1a

We have not recommended that class 1a buildings include an inspection of footings prior to the pouring of concrete. Although the footings inspection has been in place for a considerable period and is recommended in interstate jurisdictions, consistent feedback from local government and the construction industry is that banks and insurers of engineers expect that the design engineer will inspect the footings prior to pour. In order to reduce the burden of inspections on councils and the consumer and in light of the current activity by engineers anyway it seemed needless to have both the design engineer and a council inspector inspecting the footings. There is still a risk that buildings will be located in the wrong place on site and there will still be a risk of failure of footings. However particularly with class 1a buildings, the likelihood and consequences of such failure appear to be relatively low in these circumstances.

We have included bushfire protection, framing and roof trusses, wet areas and waterproofing and completion as the stages of mandatory inspection for class 1a buildings. This is on the basis that

11. there is no reason to depart from the roof framing inspection regime currently in place (other than to make it a blanket 100% mandatory inspection for all such elements);
12. we have included bushfire protection albeit that it will clearly only need to apply within a Code overlay area subject to bushfire risk. Given the significance to occupant safety this requirement is warranted.
13. waterproofing has been included on the basis that it is suggested by Lambert as well as feedback from consultation as one of the key areas of non-compliance.

Swimming pool inspections can be dealt with as a stand alone item given that pools are often installed both with or independently of the construction of dwellings. Essentially the current regime of 100% inspections should remain (with or without the 80/20 split on the timing of inspections).

The immediate recommendations for inspections for class 1b-9 buildings include fire safety systems and separation, essential safety provisions, wet areas and waterproofing and completion. These items have been selected on the basis that they are more likely to have grave consequences and that in most instances this work is undertaken by more experienced builders with a greater range of access to design engineers during the construction phase in any event. This sector is generally better equipped to bear the cost of inspections and if the number of inspections necessitated considerable extra resources then this sector might be least adversely affected by a modest development application fee to cover some of the costs of those inspections. We are not advocating the need for such fee in the immediate phase however.

We recommend that mandatory notifications be drafted into the regulations to reflect these mandatory inspections.

We have tried to avoid inspections simply for the sake of it: They create a burden on the regulator and the builder and should only occur where there is a need and where they are likely to cause improvements in compliance.

Some elements of construction are difficult to assess just by a point in time inspection. This point has been made about waterproofing and wet areas by many respondents. For instance, some waterproofing faults may not be visible and can only be detected by reviewing the process or by testing (which may or may not be possible at the time of the inspection). Likewise, some waterproofing is properly installed by one trade, only to be damaged by poor coordination or work of another trade (piercing a membrane or failing to properly seal penetrations etc).

There is no ready solution to this difficulty. It is likely to be addressed by the final completion inspection and by coordination of records of complaints by consumers to regulators (including CBS). It may also be addressed by protocols or checklists for inspection to enable inspectors to review processes in addition to mere point in time inspections.

Expertise of inspectors is a particular concern, especially for novel products and techniques, complicated systems or performance solutions. For this reason the more complex inspections, particularly for class 1b-9 buildings has been deferred to the transition phase when it is recommended that expertise of private certifiers and other experts can be better harnessed.

Transitional recommendations

For class 1b - 9 buildings, we recommend that the transitional phase include inspections and notifications for waterproofing, performance solutions, key structural elements, footings, electrical, mechanical and hydraulic systems.

These added factors are included in the transitional phase on the basis that there will be a higher likelihood that recruitment of private sector inspectors will be needed to provide both the expertise and the human resources necessary to conduct these inspections. This will also require an alternative funding regime in order to recruit those private sector actors.

We recommended that certifiers should be able to identify extra elements of the works that have been certified that should also be the subject of mandatory notification and inspection rather than leaving this simply to the council to specify which is presently the case. This is consistent with both Shergold Weir and Lambert recommendations.

We suggest that a protocol or checklist for inspections be developed in consultation with Councils and certifiers over the next 1 to 2 years so that the transitional phase IPPD can include a suite of more detailed inspection protocols or checklists for the inspection of certain elements of building works.

Ultimate recommendations

Private certifiers should be allowed to undertake inspections for buildings that they have certified and to charge a fee for this work particularly for class 1b-9 buildings. This will capitalise on the knowledge and experience of the private sector and the fact that a certifier will have the most intimate understanding of the critical elements of a building (having certified the building the first place). We accept that legislative change will be necessary to facilitate such a measure.

Recruitment of private sector actors has been resisted particularly by Local Government. It was a common sentiment expressed in consultation. This is probably due to the relatively limited auditing and enforcement of standards for any rogue element certifiers and is not really due to any inherent problem with private certification.

Private certifiers and design engineers (and other building professionals can and should play more of a role in ensuring that buildings are properly constructed. There are adequate mechanisms to address accreditation, standards, auditing and conflicts of interest which can be deployed.

There is much to gain from recruiting the talents of these professionals and a regime to do so is worthy of further consideration and development as part of the inspection and certification process more broadly, over the longer term. Such a system appears to function relatively well in the eastern States, particularly NSW.

In addition, the link between design, certification/approval, inspection and certification of construction warrants further consideration. Linking such mechanisms to the issuing of certificates of occupancy to ensure a chain of responsibility has the potential to create a more robust compliance regime. The link of this to liability of various actors also requires consideration. These matters are beyond the scope of this report but have featured in other reports mentioned here and are important in the way our system functions as a whole.

To maximise the investment in the inspection regime it is important that data and information gathered is used to the maximum advantage. This means that anything from education and assistance to builders who are repeatedly failing to adhere to necessary standards or licence renewal and compliance actions by CBS under the *Building Work Contractors Act* could follow.

A system that can identify and track those who repeatedly fail to meet the requisite standards and linking that system through to other agencies that play a role in the licensing and building regulation regime would be prudent over the longer term.

The ability of private certifiers to inspect will require the conferral of relevant powers including the powers of authorised offices for the purposes of entering land and inspecting building work. Suitable amendments to legislation will be necessary to properly enable this. Likewise the ability for certifiers to charge a market based fee for inspections has the potential to bring competition for the market for inspection services.

Ultimately the inspection regime could extend beyond building work to circumstances where existing buildings have changed their use or building classification to a more sensitive use where the risk of building failure or the consequences of building failure may be more extreme. Similarly there is warrant for consideration of a mechanism to expand the inspection regime to include existing buildings particularly in bushfire prone areas.

Plainly it is beyond the scope of this report but there must be opportunity for a centralised system for the receipt of notifications of building work, the recording of inspections to be undertaken and deploying inspection requests (almost in an Uber or cab rank like manner), gathering and retaining compliance intelligence and general recordkeeping which system can be made suitably accessible to local government, other government agencies and private certifiers as required.

Assuming data is properly gathered and collated, a system for the regular review of data and records should be implemented to ensure that the lessons learned and the information gathered can be used to progressively improve the standard of construction in the State.

Currently under the *Development Act* and more so under the PDI Act, the Crown is not expressly subject to inspections. In particular development undertaken by the Crown is not specifically the subject of any inspection regime (albeit that Crown development within the area of a council could strictly fall within the scope of a council's inspection policy). More significantly, development and out of council areas is now no longer subject to any inspection regime under the PDI Act. Although the number of Crown developments and development out of council areas is low, as a matter of principle, there is merit in legislative reform to ensure that a proper inspection regime applies to these developments as well.

Annexures

1. Desk-top review of 67 Council Policies
2. Detailed efficacy and compliance review of 17 Council Policies
3. Summary of interviews with 17 Councils
4. Summary of data from questionnaire to 17 Councils
5. Summary of consultation with industry
6. Summary of interstate legislation and consultation
7. Extracts from Development Act and Regulations
8. Table of SA council data (all 67 councils)
9. Resources and workload table

Annexure 1

Desk-top review of 67 Council Policies

| Council | NUMBER OF PAGES | Just bare building work inspection requirements under s71 or development generally | Audit of compliance or structural adequacy/safety assessment | Qualifications of inspectors - is it nominated, what is the minimum | Are inspectors required to be authorised officers | Are there criteria for selecting sites to inspect | Swimming pool | Trusses | Footings | Is there a procedure or system specified as well as just inspections | Inspection order of priority | Factors taken into account in preparation of the policy | Levels of inspection | Monitoring and reporting | Applicable to class 1 thru to 10? | Liability section | Consistent with LGA Precedent |
|---|-----------------|--|---|---|---|---|---------------|---------|-------------------------------------|--|------------------------------|---|-----------------------|--|-----------------------------------|-------------------|-------------------------------|
| Adelaide City Council | 3.00 | Y | Both (reference to inspection against Building Rules) | Not nominated - defined as employees of the Council who have been appointed to undertake inspections as authorised within relevant legislation and regulations. | Y | See priorities | N | N | N | N | Y | N | Y - prescribed levels | N | Not stated | N | N |
| Adelaide Hills Council | 5.00 | Y | Both (ref to unsafe buildings) | N | N | Y | Y | Y | N - not beyond notification section | Y | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| Adelaide Plains Council (Mallala) | 7.00 | Y | Compliance | N | N | Y | Y | Y | N | Y | N | Y | Y | Records kept of inspections and collated on a monthly basis. Each inspection completed recorded in the relevant DA file (where applicable). | Y | N | N |
| Alexandrina Council | 6.00 | Y | Compliance | N | N | Y (split into classes) | Y | Y | Y | N | N | N | Y | Audit inspections recorded on corporate database. Level and nature of inspections undertaken will be reported to the Council on an annual basis. | Y | Y | N |
| The Barossa Council | 8.00 | Y | Both (ref to assessment against BC or industry standard where approved plans are deficient) | N | Y | Y (vaguely - see scope) | Y | Y | Y | Y | Y - vaguely | N | Y | Yes | Y | N | N |
| Barunga West Council | 6.00 | Y | Both (ref to unsafe buildings) | N | N | Y | Y | Y | N - not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| The Berri Barmera Council | 5.00 | Y | Both (ref to unsafe buildings) | N | N | Y | Y | Y | N - not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| City of Burnside | 8.00 | Y | Both (compliance with building rules assessed) | N | N | N | Y | Y | Y | Y | N | N | Y - prescribed | N | Y | Y | N |
| The Corporation of the City of Campbelltown | 2.00 | Y | Compliance (but not clear given reference to "audit inspections") | N | N | N | Y | Y | Y | N | N | N | Y | Council staff to keep accurate records of all inspections undertaken. | NA | N | N |
| The District Council of Ceduna | 5.00 | Y | Both (ref to unsafe buildings) | N | N | Y | Y | Y | N - not beyond notification section | Y | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| Charles Sturt, City of | 5.00 | Y | Both (ref to unsafe buildings) | ?? | inspector meaning under Act | Y | Y | Y | N | N | N | Y | Y | N | Y | Y | N |
| Clare and Gilbert Valleys Council | 7.00 | Y | Both (ref to dangerous structures) | those qualifications set out in regulations. | Y | Y (vaguely - see principles) | Y | Y | N - not beyond notification section | N | N | N | Y | Y | Y | N | N |
| The District Council of Cleve | 4.00 | incl. random inspections for compliance with planning consent. | Both (ref to dangerous structures) | N | N | N | Y | Y | N - not beyond notification section | N | N | N | Y | N | Y | N | N |
| District Council of Coober Pedy | | | NO POLICY | | | | | | | | | | | | | | |
| The Coorong District Council | 6.00 | Y | Compliance | current accreditation in Building Surveying, or who has been approved by the Minister under Regulation 87(3)(c) | Y | Y | Y | Y | N | N | Y | Y | Y | N | Y | Y | Somewhat |
| Copper Coast Council | 5.00 | Y | Both (ref to dangerous structures) | N | Y | Y (vaguely - see intro) | Y | Y | Y | N | Y (vaguely - see intro) | N | Y | Log to be kept of inspections | Limited class 10 (excl pools) | Y | Liability |
| The District Council of Elliston | 5.00 | Y | Both (ref to unsafe buildings) | N | N | Y | Y | Y | N - not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| The Flinders Ranges Council | 4.00 | Y | Both but qualified | N | N | Y | Y | Y | N - not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | N | levels |
| The District Council of Franklin Harbour | 4.00 | incl. random inspections for compliance with planning consent. | Both (ref to dangerous structures) | N | N | N | Y | Y | N - not beyond notification section | N | N | N | Y | N | Y | N | N |
| Town of Gawler | 6.00 | Y | Both (ref to unsafe buildings) | N | N | Y | Y | Y | N - not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| Regional Council of Goyder | 4.00 | includes development policy but nothing on planning compliance. | Both (reference to dangerous structures) | N | N | Y-vaguely | N | Y | N - not beyond notification section | N | Y - vaguely | N | Y | N | Y | N | N |
| District Council of Grant | 5.00 | Y | Both (ref to unsafe buildings) | N | N | Y | Y | Y | N - not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| City of Holdfast Bay | 3.00 | Y | Compliance | N | N | Y | Y | Y | Y | N | Y | N | Y | N | Y | N | N |

| Council | NUMBER OF PAGES | Just bare building work inspection requirements under s71 or development generally | Audit of compliance or structural adequacy/safety assessment | Qualifications of inspectors - is it nominated, what is the minimum | Are inspectors required to be authorised officers | Are there criteria for selecting sites to inspect | Swimming pool | Trusses | Footings | Is there a procedure or system specified as well as just inspections | Inspection order of priority | Factors taken into account in preparation of the policy | Levels of inspection | Monitoring and reporting | Applicable to class 1 thru to 10? | Liability section | Consistent with LGA Precedent |
|---|-------------------|--|--|---|---|---|---------------|---------|------------------------------------|--|------------------------------|---|----------------------|--|-----------------------------------|-------------------|-------------------------------|
| Kangaroo Island Council | 5.00 | Y | Both (ref to dangerous buildings) | holding prescribed qualifications under reg 87 | Y | Y | Y | Y | N- not beyond notification section | N | Y | N | Y | Records kept of inspections and reported to Council on a quarterly basis | Y | N | N |
| The District Council of Karoonda East Murray | 4.00 | Y | Both (ref to unsafe buildings as well as assessment against Code) | N | N | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| The District Council of Kimba | 3 (substantive) | Includes inspections for planning compliance. | Both (ref to dangerous structures) | N | N | N | Y | Y | Y | N | N | N | Y | N | Y | N | N |
| Kingston District Council | 3 (substantive) | Planning inspections too. | Both (ref to dangerous structures) | N | Y | Y | Y | Y | N- not beyond notification section | N | Y | N | Y | N | Y | N | N |
| Light Regional Council | 3.00 | Y | Both (ref to dangerous structures) | holding relevant qualifications as set out in regs. | Y | N | Y | Y | N | Y | Y-vaguely | N | N | N | Y | N | N |
| District Council of Lower Eyre Peninsula | 6 (substantive) | Planning inspections too. | Compliance | N | N | N | Y | Y | Y | Y | N | N | Y | Records of inspections kept in appropriate development file or appropriate compliance file | | N | N |
| District Council of Loxton Waikerie | 6 (substantive) | Y | Compliance (but makes provision for inspection of dangerous structures) | holding relevant qualifications as set out in regs. | Y | N | Y | Y | N- not beyond notification section | Y | Y - vaguely | N | Y | Each inspection completed shall be recorded on the development file | Y | N | N |
| The Corporation of the City of Marion | 9.00 | Y | Both (ref to unsafe buildings) | current accreditation as a building surveying technician (or equivalent or greater accreditation), or who has been approved by the Minister under Regulation 87(3)(c) . | Y | Y | Y | Y | Y | N | Y - criteria | Y | Y | N | Y | Y | some - liability |
| Mid Murray Council | 6.00 | Y | Both (ref to dangerous structures) | A person appointed to exercise the powers of an AO under sections 18 & 19 of Development Act | NA | N | Y | Y | N- not beyond notification section | N | Y - vaguely | Y | Y | N | Y | Y | N |
| City of Mitcham | 8.00 | Y | Compliance (ref to unsafe buildings but see defn of audit inspection) | current accreditation as a building surveying technician (or equivalent or greater accreditation), or who has been approved by the Minister under Regulation 87(3)(c) . | Y | Y | Y | Y | N | Y | Y - criteria | Y | Y | Y - somewhat | Y | Y | Liability |
| Mount Barker District Council | 6.00 | Y | Both (makes provision for inspections against BR for dangerous structures) | N | N | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | N | N |
| City of Mount Gambier | 4.00 | Y | Compliance | N | N | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | Council officers will keep adequate records of inspections completed in accordance with the specified audit levels in the Act. | Y | N | audit levels |
| The District Council of Mount Remarkable | 3.00 | Y | Both (makes provision for BR compliance) | N | N | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | N | Y | N | audit levels - somewhat |
| Rural City of Murray Bridge | 5 | Y | Both (makes provision for BR compliance) | N | N | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | somewhat incl liability |
| Naracoorte Lucindale Council | 5.00 | Y | Both (ref to duty of care to ensure construction in accordance with codes) | N | N | Y | Y | Y | N- not beyond notification section | N | N | N | Y | a record will be kept of all audit inspections under the policy. | Y | Y | N |
| Northern Areas Council | NA (Emailed text) | Y | Compliance | N | N | N | Y | Y | N- not beyond notification section | N | N | N | N | N | Y | N | N |
| The Corporation of the City of Norwood Payneham & St Peters | 6.00 | Y | Compliance | N | N | N | Y | Y | Y | Y | N | Y | Y | N | Y | N | N |
| City of Onkaparinga | 5.00 | Y | Both (ref to dangerous structures) | shall hold "prescribed qualifications" | Y | prescribed | Y | Y | Y | Y | Y - somewhat | Y | Y | N | Y | N | N |
| District Council of Orroroo/Carrieton | 3.00 | Y | Compliance | N | N | | Y | Y | Y | N | N | N | N | N | Y | N | N |
| District Council of Peterborough | 5.00 | Y | Both (makes provision for BR compliance) | N | N | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| City of Playford | 6.00 | Y | Compliance | current accreditation as building surveying technician (or equiv or greater accreditation) | Y | Y | Y | Y | N | Y | Y | Y | Y | N | | N | N |
| City of Port Adelaide Enfield | 7.00 | Y | Both (references compliance with NCC) | current accreditation in Building Surveying, or who has been approved by the Minister under Regulation 87(3)(c) | Y | Y | Y | Y | Y | Y | Y - criteria in desc order | Y | Y | N | Y | Y | N |
| The Corporation of the City of Port Augusta | 8.00 | Y | Both (references compliance with NCC and building rules) | N | N | Y | Y | Y | N- not beyond notification section | Checklist | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |

| Council | NUMBER OF PAGES | Just bare building work inspection requirements under s71 or development generally | Audit of compliance or structural adequacy/safety assessment | Qualifications of inspectors - is it nominated, what is the minimum | Are inspectors required to be authorised officers | Are there criteria for selecting sites to inspect | Swimming pool | Trusses | Footings | Is there a procedure or system specified as well as just inspections | Inspection order of priority | Factors taken into account in preparation of the policy | Levels of inspection | Monitoring and reporting | Applicable to class 1 thru to 10? | Liability section | Consistent with LGA Precedent |
|--|-----------------|--|---|---|---|---|---------------|---------|------------------------------------|--|------------------------------|---|----------------------|---|-----------------------------------|-------------------|-------------------------------|
| City of Port Lincoln | 5.00 | reference to planning inspections | Both (makes provision for inspection of dangerous structures) | N | Not explicitly | Y | Y | Y | N | N | Y - criteria | N | Y | N | Y | Y | N |
| Port Pirie Regional Council | 6 | Y | Both (ref to dangerous structures) | relevant qualifications as set out in regulations | Y | Y | Y | Y | Y | N | Y - vaguely | Y | Y | y | Y | N | N |
| City of Prospect | 11 | N | Both - ref to unsafe buildings | Current accreditation as a building surveying technician (or equivalent or greater accreditation). | Y | Y | Y | Y | N- not beyond notification section | Y | Y - criteria | Y | Y | N | | Y | Liability |
| Renmark Paringa Council | 5.00 | Y | Both - ref to unsafe buildings | a current accreditation in Building Surveying , or who has been approved by the Minister under Regulation 87(3)(c) | Y | Y | Y | Y | N- not beyond notification section | N | Y - criteria | Y | Y | N | Y | Y | Somewhat incl Liability |
| The District Council of Robe | 5.00 | Y | Both - ref to unsafe buildings | N | N | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| Municipal Council of Roxby Downs | 9.00 | DPC inspections | Both (makes provisions for inspection of dangerous structures) | N | Salisbury Building Officer | Y | Y | Y | N | Y | N | N | Y | Yearly report to council | Y | N | N |
| City of Salisbury | 4.00 | Y | Compliance | N | Y | Y | Y | Y | N | N | N | N | Y | Yearly report to council | Y | N | N |
| Southern Mallee District Council | 6 | Y | Both - ref to unsafe buildings | N | N | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| The District Council of Streaky Bay | 5.00 | Y | Both - ref to unsafe buildings | N | N | Y | Y | Y | N- not beyond notification section | N | N | N | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| The District Council of Tatiara | 7.00 | DPC inspections | Both - ref to unsafe buildings | N | N | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| City of Tea Tree Gully | 7.00 | Y | Both - ref to dangerous structures | N | N | Y | Y | Y | Y | N | Y | Y | Y - prescribed | Yearly report to council | Y | N | N |
| The District Council of Tumby Bay | 2.00 | DPC inspections | Both - ref to dangerous structures | N | N | N | Y | Y | Y | N | N | N | Y | N | Y | N | N |
| The Corporation of the City of Unley | 9 | Y | Both - ref to unsafe buildings | current accreditation as a building surveying technician (or equivalent or greater accreditation), or who has been approved by the Minister under Regulation 87(3)(c) . | Y | Y | Y | Y | N | Y | Y-criteria | Y | Y | N | Y | Y | somewhat incl liability |
| City of Victor Harbor | 7.00 | Y | Both (ref to inspection in accordance with NCC and unsafe buildings) | N | Y but unclear | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | largely |
| Wakefield Regional Council | 6.00 | Y | Both (ref to dangerous structures) | Holding relevant BS qualifications | Y | N | Y | Y | Y | Y | Y - Vaguely | N | Y | N | Y | N | N |
| The Corporation of the Town of Walkerville | 5 | Y | Both - ref to unsafe buildings | N | N | Y | Y | Y | N | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| Wattle Range Council | 5.00 | provision for planning compliance | Both (makes provision for inspection of dangerous structures) | N | N | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | N | Y | N | N |
| City of West Torrens | 11 | building work and planning compliance | Both | current accreditation as a building surveying technician (or equivalent or greater accreditation), or who has been approved by the Minister under Regulation 87(3)(c) . | Y | Y | Y | Y | Y | Y | Y-criteria | Y | Y | N | Y | Y | Liability |
| The Corporation of the City of Whyalla | 6 | Y | Both - ref to unsafe buildings | N | N | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | Y |
| Wudinna District Council | 3.00 | Planning compliance inspections. | Both | N | N | Y | Y | Y | N | N | N | N | Y - prescribed | N | NA | Y | somewhat incl liability |
| The District Council of Yankalilla | 6.00 | Y | Both (makes provision for building rules compliance and dangerous structures) | N | N | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | largely |
| Yorke Peninsula Council | 8.00 | Y | Both (ref to dangerous structures) | Maintenance of accreditation to enable appointment as a Building Surveyor under the Development Act | Y | N | Y | Y | N- not beyond notification section | Y | Y-vaguely | N | Y | Y | Y | N | N |
| LGA Precedent | 7 | Y | Both (ref to unsafe buildings and assessment against Building Rules) | N | N | Y | Y | Y | N- not beyond notification section | N | N | Y | Y | Records kept of inspections and collated on a quarterly basis | Y | Y | |

Annexure 2

Detailed efficacy and compliance review of 17 Council Policies

| **Note all values are for year ending June 2018 unless specified as for 2015-2018 | ADELAIDE CITY COUNCIL | BERRI BARRERA | BURNSIDE | CHARLES STURT | HOLDFAST BAY | KANGAROO ISLAND COUNCIL (LIMITED RESPONSE TO QUESTIONNAIRE) | MARION | MITCHAM | MOUNT BARKER | MOUNT GAMBIER | NARACOORTE LUCINDALE | NSP | ONKAPARINGA | PLAYFORD | TEA TREE GULLY | VICTOR HARBOR | WEST TORRENS | |
|---|--|--|--|---|---|---|--|--|--|--|---|---|--|--|--|--|--|--------------------------------|
| 1. Building Inspection Policy? | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | |
| 2. Does the policy specify: | | | | | | | | | | | | | | | | | | |
| 2a. The level of audit inspections per year for class 1 and 2 buildings? | N | Y (10%) | N | N | Y (50% of apps falling into medium risk category as specified in policy). | Y (20%) | N | Y (no. of inspections equal to 10% of all notifications received under s 59(1) and reg 74(1)) | Y - 66% and 90% dwellings and additions involving a roof frame | Y (10%) | Y (20%) | N | Y | Y | N | Y (10%) | Y (no. of inspections equal to 10% of all notifications received under s 59(1) and reg 74(1)) | |
| Does the Council actually comply with this? | NA | Y (appears to given data provided) | NA | Not owner builder component (see below) | In interview provided not able to comply with policy generally - rarely get notified, timeframes narrow. Minor constructions distract from greater risks. | Y - Interview response | ? Interview response - can comply when full team. (but see below re 66% and 90%) | ? Provided in interview that historically didn't comply with levels in policy but have in last four months | unable to say but council attempts to inspect close to 100% received framing notifications. In interview said complying but difficult to monitor and confirm. | In interview provided generally that could comply with policy as they currently have enough staff (i.e. haven't in past). | In interview said possible to comply with policy | ? Provided in interview managing to comply with everything except owner/builder (though suspect this is due to way data has been recorded). | Y | Licensed contractor component | Not 90% for owner builders | ? | Provided in interview that can comply with policy (now that fully staffed) | |
| 2b. Inspections of 66% of building rules consents issued in the year for a roof framing where a licensed building work contractor is responsible for the work | No but references requirements under reg 80B | Y | Y | Y | Y - but broader - 66% of building work (i.e. not just work involving framing) | Y - but broader - 66% of building work (i.e. not just work involving framing) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Does the Council actually comply with this | Y | unknown | Y | Y | N | Y - Interview response | Y | N | unable to say but council attempts to inspect close to 100% received framing notifications. In interview said complying but difficult to monitor and confirm. | Y | Y | Y but provided that pursuant to legal advice obtained, the Council treats any form of inspection (eg. Footings, masonry, framing) as contributing to the 66% and 90% targets, provided that the building being inspected will have truss roof framing | Y | Y | Y | N | Inspect 100% of truss notifications received. | |
| 2c. Inspections of 90% of building rules consents issued in the year for roof framing where a licensed building work contractor is not responsible for the work | No but references requirements under reg 80B | Y | Y | Y | Y - but broader - 90% of building work (i.e. not just work involving framing) | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| Does the Council actually comply with this | Y | unknown | Y | N | N | Y - Interview response | Y | N | unable to say but council attempts to inspect close to 100% received framing notifications. In interview said complying but difficult to monitor and confirm. | Y | Y | N | Y | N | N | N | Inspect 100% of truss notifications received. | |
| 3. Swimming Pool policy? | No | Y | Y - separate | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| 4. Does it specify: | | | | | | | | | | | | | | | | | | |
| 4a. Inspections of 80% of pools constructed within the year within two weeks of notice of completion of the barrier or pool | NA | Y | Y | N - but higher bar set - (100% within 2 weeks) | Y | N - 100% of all swimming pools upon notification | Y | N - 100% of all swimming pools upon notification | Y | Y | Y | N - 100% of all swimming pools (regardless of whether notified) | Y | Y | Y | Y | Y | 100% (no time frame specified) |
| Does the Council actually comply with this | Y | Y | Y | Y | Y | ? | Y but not always within time. | Y | Council attempts to inspect 100% of swimming pools when notified. May detect completed pools at a later date council were not notified about. | Y | Y | Meet minimum number of inspections for swimming pools in Reg76(4B) and within periods prescribed. | Y | N - council has proactive process for following owners/applicants who fail to notify. | Y | Y | Y where notified (comply with 76(4b)) | |
| 4b. Inspections of the remaining 20% of barriers or pools within two months of notice of completion. | NA | Y | Y | N - see above | Y | N - 100% of all swimming pools upon notification | Y | N - 100% of all swimming pools upon notification | Y | Y | Y | N - 100% of all swimming pools (regardless of whether notified) | Y | Y | Y | Y | Y | see above |
| Does the Council actually comply with this | Y | Y | Y | Y | Y | ? | Y but not always within time. | Y | Council attempts to inspect 100% of swimming pools when notified. May detect completed pools at a later date council were not notified about. | Y | Y | Meet minimum number of inspections for swimming pools in Reg76(4B) and within periods prescribed. | Y | N - council has proactive process for following owners/applicants who fail to notify. | Y | Y | Y | see above |
| 5. Do Council staff report that the policy is effective? | Y | Unsure (Building Officer away). Think he considers it effective. Reviewed last year. | Yes. It reflects the requirements of the Act and Regs. Have the ability to inspect more but the priority is on what is legislated. | Yes - Reasonably effective | Yes but not always relevant | Yes, Nominates low level inspection, normally surpass it by 50%. | Yes | No. Totally reactive. Doesn't look at risks and is just a numbers game. Need to consider whether looking at high risk stuff. | Yes. Meeting targets (?). Good notification scheme but non-notification a big issue. | Yes in the sense that it complies with the legislation. But difficult to say whether actually effective. Non-notification is an issue. Don't expiate at the moment because need to maintain rapport with builders. | Y | Yes. Covers legislative requirements. Includes inspections for commercial and change of use. | No answer as to effectiveness - policy currently under review. | Yes. But broader issues affect its effectiveness such as non-notification. | Yes | Yes but having issues re notification and illegal development. Notifications an important driver of the effectiveness of the regime. | No answer as to effectiveness. Comment it is under review. | |
| 7. What weaknesses do council staff report of the policy | Maintenance of safety features not a high priority like maintenance of ESPs. | More safeguards against notifications being missed. | While effective as the focus is on what is high risk, it is easy to get caught up with satisfying the legislated inspections and letting others slip | Firewalls should be added - it is not unusual for firewall issues to arise. | Static, with a heavy emphasis on minor building work...too preoccupied on inspecting sheds and verandahs. Emphasis should be on high risk assessment across the board. | Should include wastewater. | There is no mandatory requirement for reporting of numbers. | No accountability for not meeting targets. Also focus is on numbers and not what the council is actually there to do - i.e. the purpose of the regime. | Reliant on notifications. Hard to distinguish builders/non-builders in data, ignores energy efficiency and overall build - there is no mandatory notification for lock-up. | Council chooses to do minimum inspections provided by legislation. But consider importance of wet areas (which isn't covered) - forming approx 80% of insurance claims. | Time frames within which inspections must occur are difficult to comply with. | Policy breaks down statutory requirements re licensed, owner/builders into certain % being for footings, framings etc. Should be more flexible. | With the legal requirement to only undertake one mandatory inspection council has less presence on building sites, and therefore less oversight and a higher risk of non-compliance. Staffing levels and workloads have prohibited any increases from the minimum requirements. Inspections are limited to developments that actually provide mandatory notification of the stage (that is, where not notified, don't have the opportunity to inspect). There is also an incorrect assumption by the community that every building is inspected and/or signed off by council. | No weaknesses in policy but non-notification, time/resource consuming nature of enforcement mechanisms are issues. | Issue with non-notification of pools - have changed policy to incorporate proactive follow up on pool approvals. | Education of building community/industry diminishing effectiveness of regime. | Challenge in recording info to make sure minimums are met. Dependant on council receiving mandatory notifications. Non-notification a big problem. Don't expiate at moment - if start to would probably need more resources. There is a potential for bias for inspections to be undertaken that are easy to tick off. | |
| 8. What improvements do council staff suggest to the policy? | Ongoing maintenance of safety features needs to be considered. Also more clarification/direction on non-mandatory inspections (left explanation on what needs to be done). | More safeguards against notifications being missed. | More legislated inspections. | add firewalls | Focus on high risk issues. Set more realistic targets for quality inspections hard to do quality inspections and meet legislated targets. | Include wastewater. | Include mandatory reporting requirement. But note this would put more pressure on resources. Also more specified stages of inspections (e.g. footings, frames, firewall and completion). | Accountability for meeting targets. Auditing of council processes. | Energy efficiency as an inspection point (completions). However query whether requisite skills set is there. | Add more mandatory inspections and higher minimums - at 10% it is very low. | Wouldn't change too much but avoid setting targets too high. Smaller resources - need element of flexibility. | Simply - see above. And reduce minimum levels of ESPs to be inspected from 90% to 60% | Subject to cost recovery options, propose increase in the mandatory inspections. There should be a mandatory final inspection, with Certificates of Occupancy for Class 1s issued by the council prior to occupancy of the dwelling. Final inspections to be carried out on Class 2-9 developments having an ESP. Form 2 issued as part of the BRC assessment to ensure satisfactory installation of all required safety features prior to occupancy. Also propose to include powers to prevent occupation of a building (articles 1-10) until a certificate of occupancy is issued. Increase in statutory breaches liable to an explanation fine. | Nothing. | NA | Nothing. | Currently don't measure all inspections undertaken - would be useful to see how many are resolved. | |
| 9. Does the council have a system or process to manage the inspection regime including: | | | | | | | | | | | | | | | | | | |
| a. records of building rules consents and dates that development approval is issued | ? | ? | ? | ? | Y | ? | ? | ? | ? | ? | ? | ? | ? | ? | ? | ? | ? | ? |
| b. recording and diarising of mandatory notifications | Y | ? | Y | Y | Y | Y | Y | Y | Y (but concedes tracking of notifications are not accurately recorded) | Y (but note was unable to provide data of how many notifications were received) | System for logging notifications | Y (but current recording system only relates to inspections undertaken, not notifications received). | Y | Y | Y | Y | ? | ? |
| c. recording and responding to complaints or tip-offs | Y | ? | Y | Y | Y | Y | Y (but note could not provide complaint data in questionnaire) | Y | Y | Y | Y | Y | Y | Y | Y | ? | ? | Y |
| d. follow-up inspections | Y? | ? | Y | Y | Y | ? | ? | Y? | Y | Y | Y (assuming given can provide data). | Y | Y | Y | Y | Y | Y | Y |
| 10. What is the ratio of the number of building rules consents to the number of inspections undertaken by the Council? | 378: 215 = 1.76:1 | 145: 45 (DPTI Data) = 3.2:1 | 878:343 (approx) = 2.56:1 | 2031:1640 = 1.24:1 | 553:576 = 1.04 | 132: 156 (Both DPTI Data) = 1.18 | (2015-2018) 6578:3885 = 1.69:1 | (2015-2018) 2348:1198 = 1.96:1 | Both DPTI data - 1193:925 = 1.29:1 | 389: 1019 (later 2015-2018 value so divide by 4 (-25)) = 1.53:1 | (2015-2018) 435:336 = 1.29:1 | 750:205 = 3.66:1 | (2015-2018) 12,925:8986 = 1.43:1 | (2015 - 2018) 5683:2594 = 2.19:1 | 1574:878 (incl. complaint and non-complaint) = 1.79:1 | 538 (DPTI Data): 537 = 1:1 | (2015-2018) 4784: 5256 (not incl complaints etc) = 1.10:1 | |
| 11. What is the ratio of the number of mandatory notifications given to the Council to the number of inspections undertaken by the Council? | NA | unknown/insufficient data | 1097:343 (approx) = 3.19:1 | 3039:1640 = 1.85:1 | 172:576 = 1.3.35 | ? | (2015-2018) 8048:3885 = 2.07:1 | 1328:383 = 3.47:1 | unable to say as tracking of mandatory notifications are not accurately recorded. | unable to provide. | (2015-2018) 387:336 = 1.15:1 | unable to provide notification data. | (2015-2018) 20,908:8986 = 2.33:1 | Not answered - no data provided re mandatory inspections (q2.8) | 2392:878 (incl complaint and non-complaint) = 2.73:1 | ? | incomplete data re mandatory notifications | |
| 12. What is the budget for inspections | NA | No breakdown/allocation | No budget for inspections | \$547,539 (approx) | No specific budget allocated for inspections, although council estimates a 'time' required for inspections, which was calculated at \$120,000 human resource equivalent | ? | \$320,000 | approx \$650,000 (not incl swimming pools) | No answer. | unable to provide details. | Not budgeted | \$60,000 (approx) (not including random planning compliance inspections under separate policy) | No separate budget line for inspections. | 5 FTE | Don't budget specifically for this. | \$255,000 | Dollar value not provided. | |
| 13. What is the actual spend on inspections? | NA | No breakdown/allocation | based on 50% of officers time being inspections : \$229,910 | \$519,634 (approx) | Approximately \$164,000 (actual human resource time allocation) = \$60,000 | ? | \$320,000 | approx \$35,000 | No answer. | unable to provide details. | Not recorded | \$60,000 (approx) plus \$10,000 (approx) for travel, petrol, vehicle maintenance etc = \$70,000 | No information available. | Unable to provide breakdown | \$86,862 based on estimate of salary costs. | \$2,550,000 | Dollar value not provided. | |
| 14. What is the FTE of staff deployed to inspections? | NA | 1 | 3 | 6 | 0.5 | ? | 3 | 4.4 | 2 | 2 | 1 | 2/3 FTE | 8 | 5 FTE | 5 | 2 | 4 (all had other responsibilities incl assessment) | |
| 15. What are the total hours devoted to inspections per year? | NA | Unknown | 172 hours | 1640 (estimated based on no. of inspectors @ 1 hr each) | 230 (approx) | ? | 2000 (approx) | Approx 1654 hours | 20% - 40% of each FTE officer's time (ie approx. 1.5 - 3 hours /day each officer) | do not have records of this (but inspections range from 10mins to 1 hr) | unknown | 103 | 1048 | Unable to provide data | 1915 (conservative estimate) | 1976 | Data not recorded. | |
| 16. What is the ratio of the number of inspections to the number of enforcement actions (section 84, section 85 or prosecution/explanation)? | NA | Unknown | unable to provide data due to limitations of reporting system | 1640:3 = 547:1 | 576:2 = 288:1 | ? | (2015-2018) 3885:22 = 177:1 | 383:1 | 908:5-10 (for 2015-2018) (say 2.5 per year) = 363:1 | 1019: approx 10 a year incl fire safety notices - insufficient detail for accurate ratio | 336:0:00 | 205:0 (6 from random planning compliance inspections) | (2015-2018) 8986:26 = 346:1 | Unable to provide data | 878:8 = 110:1 | ? | Not able to readily draw this data (would have to go through every file manually). | |

Annexure 3

Summary of interviews with 17 Councils

Questions and Data collection issues for Councils

Interview questions for the 17 Councils

1. What are the 3 most common types of developments within your council area?

Very common was new dwellings or additions/alterations to a dwelling and class 10s (pools, verandas, sheds).

2. What are the main circumstances of non-compliance that you see for:

2.1. development generally; and

Common answer was not adhering to approval, plans, conditions etc (10). Examples of non-accordance with approvals given were: non-accordance with plans, landscaping, window screening/glazing/privacy treatment, stormwater, retaining walls over height, overlooking.

Next most common answer was development without approval.

2.2. building work

Most common was framing (12) (though one or two commented that non-compliance generally minor) and swimming pools (5).

Others mentioned include firewalls, tie-downs, maintenance of ESPs, poor method of construction, changes to design after approval.

3. Are there any types of development that are more likely to involve non-compliance?

A couple (3) commented non-compliance is across the board. Quite a bit of variation in answers. Answers included:

- 3.1. Swimming pools (6)
- 3.2. Framing (5)
- 3.3. Fit outs with and without approval (2)
- 3.4. Development without approval
- 3.5. Non-accordance with dwelling approval (set-backs, building heights)
- 3.6. Anything to do with upper level windows, stormwater compliance, landscaping
- 3.7. Change in use
- 3.8. Complex and bespoke buildings
- 3.9. Commercial building fire safety
- 3.10. Owner/builder builds

4. Are there any types of development that are more likely to involve serious non-compliance?

Swimming pools (7)

Framing/trusses (7) (though a couple mentioned generally they do not see serious non-compliance)

Non-compliant/unauthorised change in use (2)

5. What types of risks to public or occupant safety do you see for different development types?

Answers varied a fair bit.

Commercial - ongoing maintenance of fire safety requirements (5)

Pools - non-compliant fencing (4)

Dwellings, pools by owner builders (3)

- ESPs in public buildings
- Fire safety (exit signage) because of high proportion of high-rise buildings with older occupants.
- Structural adequacy (riverside)
- Tourist buildings, multi-use tourist buildings
- Residential - often don't pose immediate threat but could down the track
- Commercial - public safety and fire safety
- Residential - non-compliant framing

6. What are the risks that are most critical to drive the inspection regime?

Answers varied but general theme was occupant/public safety, threat to life safety etc

Other concerns were liability of council if it did not inspect and something happened (i.e. roof collapse), also consumer aspect – are consumers getting what they would inspect.

7. How effective is your current building inspection policy?

Generally/reasonably effective (15)

Negative points were that it didn't go far enough (i.e. only meets bare minimum requirements), or related to broader issues such as the impact non-notification has on the effectiveness of the system, and that enforcement for non-notification requires too much time and resources. Another comment was that it was effective, but not relevant (i.e. seasonal fluctuations (for pools etc) mean you can't look at it to guide day to day activity. Another comment is that it is effective in the sense that it complies with legislation, but difficult to say whether it was actually effective.

One said ineffective in that it is totally reactive and doesn't focus on risks – it is just a numbers game.

8. What are the weaknesses of the existing policy?

A fair amount of variation. Some common ground that non-notification impacts effectiveness (4)

Should:

- Prioritise ESPs
- cover firewalls
- cover wastewater (from regional perspective)
- cover energy efficiency
- cover overall build (no mandatory not for lock-up)
- cover wet areas or other issues that are common in insurance claims. (should consider community expectations)
- be more flexible --> not break things down into certain % of footings, framings etc.

Other comments:

It makes it easy to get caught up with satisfying legislated inspections and let other inspections slip

It is static. There is a heavy emphasis on minor building work. The emphasis should be on high risk assessment across the board

It is an issue that there is no mandatory reporting of inspection numbers

There is no accountability for not meeting numbers. Also too focussed on meeting numbers and not what they are actually there to do

It is hard to distinguish between builders/non-builders in data.

The time frames after notifications are difficult to comply with

9. What would you change to make it better?

Nothing (2)

Move to more mandatory inspections (2)

- Ongoing maintenance of ESPs
- More clarification on non-legislated inspections (i.e. what should focus be on?)
- Make sure non-notifications aren't missed
- Include firewalls
- Focus on high risk issues
- Set realistic targets with focus on quality not quantity. Hard to do quality inspections and meet legislated targets. Should be more practical and not just something for Council to cover themselves.
- Include wastewater
- Mandatory reporting of inspections – consider public interest
- Accountability for meeting/not meeting targets, auditing of council processes

- Energy efficiency as an inspection point (at final completion) (but query whether skill set there)
- Don't set targets too high - smaller councils need more flexibility.
- Simplify requirements (less breakdowns of %) and reduce req for ESPs to be inspected from 90% to 60% (NPSP)
- Potential for bias for inspections to be undertaken that are easy to tick off. Policy doesn't measure all inspections undertaken. Would be useful to see how many are resolved.

10. Is it possible to comply with or adhere to the requirements of the policy - if not why not?

Yes (11) – but a number with caveats that they can only when they have enough resources, or only where they are proactive and chase up non-notifications. One said yes only because council could specify the levels.

Those that had issues had issues with data collection (or the way they could extract/record data to see if they were complying), or owner/builder notifications (4), or non-notifications generally.

11. What you see as the most important matters or issues to look for when inspecting building work?

Answers varied and spoke to compliance with plans and Australian standards but general emphasis was to focus on high risk items (structural, fire safety and pools).

12. What do you anticipate will be the most important things to look for or inspect if inspecting development generally?

ESPs, fire safety, compliance with approvals were somewhat common answers though a number stressed that the compliance with approvals was not generally a life safety issue and therefore not as important.

Fire safety (where change of use, class and otherwise) (4)

Compliance with approvals (plans, conditions (eg landscaping, stormwater, energy efficiency) (9)

- Temporary events (ACC)
- Flooding - FFLs

Comments re importance of inspecting devt generally (i.e it is NOT important):

- *Anything under devt would not be as important as roof truss, swimming pools etc -- devt type inspections would be superficial and add to tokenism of regime.*
- *Focus should remain on risk to public safety - aesthetics are outweighed by this.*
- *If was expanded to development, these planning issues are not safety related These issues would pale in significance.*

- *Development issues deal with issues that are usually a threat to amenity, not safety.*

13. How is the inspection process managed within the Council?

See below

14. What reporting and management of the inspection process occurs within the Council?

See below

15. What system do you have for logging mandatory notifications and linking them to the inspection regime/diary?

13-15

Most councils had a very similar system whereby the notifications came in and were logged in the council's record system (often Pathway) and forwarded through to building for actioning. "Actions" are created for inspections and these are logged on DA file. Some councils also had separate inspections module where that info was stored as well.

Some also had spreadsheets for data/reporting but a number said they were able to draw their data from the Pathways system.

16. What system do you have for logging complaints and deploying an inspection and follow up?

Very similar to 13-15 but generally through CRM (customer request module). An action would be generated. Logs, notes saved to DA file or if no DA file, property file or CRM file.

17. What is the process for dealing with nonconformity or non-compliance when identified as part of the inspection process?

All agreed it depends on the severity of the non-compliance. Generally will write to builder/owner and ask them to rectify and confirm when rectified. If serious then will move straight to s84, s69, legal proceedings.

18. How are non-compliances followed up?

Generally - Builder confirms rectified (in response to email/letter from council following inspection) and then (generally) officer will go out to reinspect or if timeframe has passed with no notification the council will contact builder again.

In some instances councils will rely on confirmation and/or photos from builder rather than going back and inspecting (7).

Playford has a dedicated follow up officer who manages all of this and is the point of contact for builders following any non-compliance.

19. How effective is that system?

Overall effective, but negative comments included:

1. Issues with length of time and processes that need to be taken to resolve issues, efficiency (3)
2. Non-notification (both for inspections and reinspections) (2)

Others:

- Don't have resources to be proactive - it is a reactive system
- Consistency lacking amongst councils
- Working knowledge of IT and systems could be improved
- IT systems could be improved
- Record keeping could be improved

20. If the system is to be expanded beyond the current regime what should it expand to cover?

- Firewalls/fire safety (4)
- Compliance with planning approvals (3)
- Waterproofing (3)
- Energy Efficiency (3)
- inspection of bushfire safety requirements (3)
 - Look to threats to safety and risks (eg verandahs (how they are attached);
 - Compliance with ongoing maintenance requirements
 - Safety barriers
 - Flooding -FFLs
 - More stages of inspections
 - Termites
 - Stormwater
 - Plumbing
 - Rainwater tanks
 - Concrete pours
 - Higher mandatory inspection percentages
 - Completion inspections of commercial buildings
 - Anything to do with structural stuff or safety should be mandatory
 - Health risks
 - Equitable and equal access for persons with disabilities
 - Occupant safety
 - Pretty much doing everything anyway. Don't have problem expanding to land use but need structure around quality of inspection to ensure intent is achieved.
 - More mandatory stages of inspection and scrutiny of pool fences (consider pool safety order?).
 - Don't think should cover planning

21. Is the mandatory notice system a starting point for expansion?

Yes (14)

Comments in favour:

- Should expand footings, firewall and masonry
- Should be mandated penalty for non-notification
- Consider notification app?
- Increase notifications to cover where insurance claims are
- Expand to completion inspections of commercial buildings
- Expand to notification of completion of planning consent

Comments in favour BUT:

- an expansion of mandatory inspections would strain resources
- failure to notify is the issue (2) ("query whether builders on board?")
- need it followed up with a mandatory inspection regime
- make it mandatory - make the builders comply
- increase expiation window from 6 mths to 12 months

22. Is change of building classification (to more sensitive or risky use classes) another sensible point for expansion?

Yes (10)

23. Are there any land use changes (not involving building work) that ought to be included?

Yes (13)

Examples given include:

Changes to more sensitive uses (3)

- 24 hour gyms
- Childcare centres adjoining residential zones
- Dog parks
- Bed and breakfasts
- Shop--> restaurant , fire safety issues
- Student accommodation, fire safety

24. What about land division?

General sentiment was yes/maybe if there are fire safety/firewall issues but otherwise probably covered by existing processes (9).

No (6)

25. How would the expansion be resourced?

See below.

26. Is there capacity within the existing resources?

Difficult for many to say given uncertainty but:

- No (5)
- Maybe (5)
- Yes(1)

27. If further resources are required, what would be necessary?

Difficult for many to say given uncertainty but:

- More FTE staff (inspectors or admin) (6)
- Vehicles (3)
- Consultants

28. What are the options for providing adequate capacity and resources for an expanded inspection regime?

FFS/user pays system model/increase in application fees (7) - some noting however that it might not palatable

Staff reshuffle (2)

Share resources with other councils/planning board (2)

Shift from assessment work to compliance (2)

Open up to private sector - get PCs to inspect (2)

- Increase mandatory inspections which would make FTE necessary
- Working smarter --> more work going to para-professional staff
- Private company does job and government chips in

29. What would be the priorities for an expanded inspection regime?

Life safety/high risk matters (examples given include pool, framing and fire safety/firewalls, ESP compliance) (9)

More specialised inspection stages (2) (one example given was mandatory final inspection for classes 1-9).

- Compliance with approval
- "Safety, amenity, quality"
- More accountability/scrutiny on pools
- More accountability for meeting requirements

- Focus on bushfire areas
- Change of policy wording to reflect dependency on notifications being received
- Access and egress
- Special buildings under 500sqm and not covered by BFS Committee
- Suitably qualified inspectors

30. Are there particular building conditions that occur in the Council area that increase risk (reactive soils, flooding, bushfire etc)?

Bushfire (10) (citing minimal thru to high risk)

Flooding (9)

Reactive soils (7)

High wind loads (3)

Coastal corrosion (2)

- Everyone piled on top of one another - access and egress issues
- Large volume of swimming pools
- Climate change
- Aircraft noise
- Energy efficiency
- Wastewater management
- Coastal conditions/cliff stability

General comments re non-notification:

Non-notification is an issue across all councils (some said issue greater with owner builders but the distinction did not always come up).

The vast majority of councils do not expiate for non-notification. This is because of the resources required to manage this process, the fact that the expiation fee is unlikely to be a real deterrent, and the desire to maintain good working relationships with builders in the area.

Annexure 4

Summary of data from questionnaire to 17 Councils

| Year Ending June 2015 | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---------------|--------------|--------------|----------------------|---------------|---------|--|------------|------------|----------------------|---------|---------------------------------------|-------------|------------|------------|----------------------|---------------------------|---------|------------------|-----------------|-----------------|----------------------|-------------|-----------------------------------|
| Number of Development Applications Assessed | | | | | | | Number of Applications for Building Work | | | | | Number of Approvals for Building Work | | | | | Application Fees Received | | | | | | | |
| Councils: | Residential | Industrial | Commercial | Public/Institutional | Other | Total | Residential | Industrial | Commercial | Public/Institutional | Other | Total | Residential | Industrial | Commercial | Public/Institutional | Other | Total | Residential | Industrial | Commercial | Public/Institutional | Other | Total |
| Holdfast Bay | 884 | 12 | 33 | 4 | 27 | 960 | 612 | 12 | 28 | 3 | 2 | 657 | 572 | 10 | 21 | 3 | 2 | 608 | \$87,600.00 | \$24,450.00 | \$47,350.00 | \$7,500.00 | \$4,900.00 | \$171,200.00 |
| Tea Tree Gully | 1792 | 6 | 56 | No Data | No Data | 1854 | No Data | No Data | No Data | No Data | No Data | 1601 | 2542 | 14 | 76 | 9 | No Data | 1582 | No Data | No Data | No Data | No Data | No Data | No Data |
| West Torrens | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | 1031 | 27 | 75 | 18 | No Data | 1151 | \$82,066,406.00 | \$13,791,800.00 | \$16,662,978.00 | \$5,242,592.00 | No Data | \$117,763,776.00 |
| Charles Sturt | 3019 | 97 | 172 | 46 | No Data | 3334 | 2249 | 67 | 122 | 26 | No Data | 2464 | 2178 | 65 | 113 | 20 | No Data | 2376 | \$309,428,710.52 | \$15,723,280.75 | \$54,389,502.64 | \$46,822,687.00 | No Data | \$426,364,180.91 |
| Norwood, Payneham & St Peters | 933 | No Data | 72 | 2 | No Data | 1067 | 722 | No Data | 52 | 2 | No Data | 776 | 671 | No Data | 50 | 2 | No Data | 723 | No Data | No Data | No Data | No Data | No Data | \$364,262.00 |
| Marion | 1424 | 12 | 51 | 13 | 940 | 2440 | 1424 | 12 | 51 | 13 | 141 | 1641 | 1424 | 12 | 51 | 13 | 141 | 1641 | No Data | No Data | No Data | No Data | No Data | No Data |
| Mount Gambier | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | 307 | 6 | 26 | No Data | 72 | 411 | No Data | No Data | No Data | No Data | No Data | \$43,093,104.00 |
| Berri Barmera | 74 | No Data | 25 | 6 | 62 | 167 | 73 | No Data | 23 | 5 | 62 | 163 | 70 | No Data | 22 | 4 | 61 | 157 | \$44,122.95 | No Data | \$17,184.59 | \$4,735.94 | \$36,795.77 | \$102,839.25 |
| Onkaparinga | 3,014 | 41 | 100 | 32 | 426 | 3,613 | 3,126 | 37 | 125 | 32 | 19 | 3,339 | 2,965 | 37 | 90 | 28 | 10 | 3,357 | \$322,837.00 | \$14,835.00 | \$16,281.00 | \$2,756.00 | \$1,270.00 | \$357,981.00 |
| Mount Barker | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data |
| Murray Bridge ** 01/07/2014 - 30/06/2015 | 461 | 9 | 87 | 24 | 53 | 634 | 449 | 9 | 78 | 18 | 51 | 605 | 427 | 8 | 71 | 18 | 42 | 566 | \$177,884 | \$8,637 | \$79,802 | \$6,814 | \$19,139 | \$292,276.00 |
| Burnside | 1249 | No Data | 88 | No Data | No Data | 1337 | No Data | No Data | No Data | No Data | No Data | No Data | 979 | No Data | 60 | No Data | No Data | 1039 | No Data | No Data | No Data | No Data | No Data | \$74226 (combined) |
| Naracoorte Lucindale Council | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data |
| City of Playford | 1816 | 25 | 83 | 1 | 152 | 2077 | 1507 | 15 | 63 | 1 | 107 | 1693 | 1300 | 14 | 50 | 1 | 97 | 1462 | \$613,821.44 | \$8,960.25 | \$61,202.40 | \$2,495.00 | \$70,472.59 | \$756,951.68 |
| City of Adelaide | 387 | 2 | 376 | 97 | No Data | 862 | 391 | No Data | 372 | 90 | No Data | 853 | 379 | No Data | 344 | 36 | No Data | 811 | No Data | No Data | No Data | No Data | No Data | \$223,356.00 |
| City of Mitcham | No Data | No Data | No Data | No Data | No Data | 1311 | No Data | No Data | No Data | No Data | No Data | 748 | No Data | No Data | No Data | No Data | No Data | 616 | No Data | No Data | No Data | No Data | No Data | \$476903.90 (excl lodgement fees) |
| Kangaroo Island **2014-2015 | 94 (**lodged) | 7 (**lodged) | 5 (**lodged) | | 41 (**lodged) | 177 | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data |
| Victor Harbour | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data |

| Year Ending June 2016 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---------------|--------------|----------------|----------------------|--------------|---------|--|------------|------------|----------------------|---------|---------------------------------------|-------------|------------|------------|----------------------|---------------------------|---------|------------------|----------------|-----------------|----------------------|-------------|------------------|-----------------------------------|
| Number of Development Applications Assessed | | | | | | | Number of Applications for Building Work | | | | | Number of Approvals for Building Work | | | | | Application Fees Received | | | | | | | | |
| Councils: | Residential | Industrial | Commercial | Public/Institutional | Other | Total | Residential | Industrial | Commercial | Public/Institutional | Other | Total | Residential | Industrial | Commercial | Public/Institutional | Other | Total | Residential | Industrial | Commercial | Public/Institutional | Other | Total | |
| Holdfast Bay | 812 | 9 | 27 | 7 | 23 | 878 | 584 | 8 | 22 | 5 | 4 | 623 | 559 | 7 | 18 | 4 | 3 | 591 | \$81,400.00 | \$13,150.00 | \$40,600.00 | \$12,000.00 | \$31,000.00 | \$150,250.00 | |
| Tea Tree Gully | 1895 | 9 | 66 | No Data | No Data | 1970 | No Data | No Data | No Data | No Data | No Data | 1712 | No Data | No Data | No Data | No Data | No Data | 1718 | No Data | No Data | No Data | No Data | No Data | No Data | |
| West Torrens | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | 1061 | 23 | 75 | 26 | No Data | 1185 | \$140,678,224.00 | \$1,835,000.00 | \$14,258,693.00 | \$10,743,915.00 | No Data | \$167,515,832.00 | |
| Charles Sturt | 2829 | 64 | 133 | 54 | No Data | 3080 | 2133 | 40 | 92 | 18 | No Data | 2283 | 2096 | 37 | 91 | 17 | No Data | 2241 | \$361,928,634.42 | \$7,499,588.00 | \$31,565,493.00 | \$37,051,011.00 | No Data | \$438,044,726.42 | |
| Norwood, Payneham & St Peters | 927 | No Data | 87 | 2 | No Data | 1016 | 719 | No Data | 67 | 2 | No Data | 788 | 671 | No Data | 57 | 2 | No Data | 730 | No Data | No Data | No Data | No Data | No Data | \$384,462.00 | |
| Marion | 1522 | 25 | 65 | 5 | 815 | 2432 | 1522 | 25 | 65 | 5 | 122 | 1739 | 1522 | 25 | 65 | 5 | 122 | 1739 | No Data | No Data | No Data | No Data | No Data | No Data | |
| Mount Gambier | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | 275 | 13 | 22 | 70 | No Data | 380 | No Data | No Data | No Data | No Data | No Data | \$32,562,828.00 | |
| Berri Barmera | 73 | 2 | 36 | 2 | No Data | 175 | 72 | 1 | 36 | 2 | 60 | 171 | 70 | 1 | 30 | 2 | 58 | 161 | \$32,808.95 | \$1,325.22 | \$16,487.32 | \$1,063.95 | \$36,366.80 | \$102,839.25 | |
| Onkaparinga | 3,034 | 45 | 125 | 32 | 475 | 3,711 | 3,048 | 39 | 111 | 40 | 44 | 3,282 | 2,976 | 37 | 119 | 27 | 26 | 3,436 | \$339,320.00 | \$5,278.00 | \$13,729.00 | \$4,760.00 | \$1,723.00 | \$364,812.00 | |
| Mount Barker | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | |
| Murray Bridge ** 1/7/2015-30/06/2016 | 364 | 6 | 81 | 20 | 28 | 499 | 356 | 6 | 71 | 17 | No Data | 450 | 339 | 6 | 60 | 17 | No Data | 422 | \$147,972.00 | \$12,987.00 | \$71,266.00 | \$5,822.00 | \$10,547.00 | \$248,594.00 | |
| Burnside | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | |
| Naracoorte Lucindale Council | 96 | 15 | 22 | No Data | 33 | 166 | 91 | 10 | 20 | No Data | 21 | 142 | 88 | 10 | 20 | No Data | 21 | 139 | No Data | No Data | No Data | No Data | No Data | No Data | |
| City of Playford | 1637 | 18 | 110 | 1 | 134 | 1900 | 1434 | 15 | 95 | 0 | 112 | 1656 | 1150 | 13 | 71 | No Data | 97 | 1331 | \$511,622.31 | \$6,463.55 | \$33,020.42 | \$0.00 | \$69,725.57 | \$620,831.85 | |
| City of Adelaide | 299 | 7 | 355 | 95 | No Data | 756 | 307 | No Data | 364 | 92 | No Data | 763 | 292 | 7 | 373 | 91 | No Data | 763 | \$511,622.31 | \$6,463.55 | \$33,020.42 | \$0.00 | \$69,725.57 | \$196,031.00 | |
| City of Mitcham | No Data | No Data | No Data | No Data | No Data | 1712 | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | 591 | No Data | No Data | No Data | No Data | No Data | \$432952.67 (excl lodgement fees) |
| Kangaroo Island **2015-2016 | 83 (**lodged) | 3 (**lodged) | 4 (**lodged)** | | 6 (**lodged) | 148 | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | |
| Victor Harbour | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | |

| Year Ending June 2017 | | | | | | | | | | | | | | | | | | | | | | | | |
|---|-------------|------------|------------|----------------------|---------|---------|--|------------|------------|----------------------|---------|---------------------------------------|-------------|------------|------------|----------------------|---------------------------|---------|------------------|-----------------|-----------------|----------------------|--------------|------------------|
| Number of Development Applications Assessed | | | | | | | Number of Applications for Building Work | | | | | Number of Approvals for Building Work | | | | | Application Fees Received | | | | | | | |
| Councils: | Residential | Industrial | Commercial | Public/Institutional | Other | Total | Residential | Industrial | Commercial | Public/Institutional | Other | Total | Residential | Industrial | Commercial | Public/Institutional | Other | Total | Residential | Industrial | Commercial | Public/Institutional | Other | Total |
| Holdfast Bay | 794 | 8 | 19 | 2 | 16 | 860 | 563 | 7 | 14 | 2 | 4 | 657 | 538 | 6 | 11 | 2 | 3 | 560 | \$78,000.00 | \$31,250.00 | \$66,700.00 | \$38,450.00 | \$2,700.00 | \$217,100.00 |
| Tea Tree Gully | 2089 | 3 | 72 | No Data | No Data | 2164 | No Data | No Data | No Data | No Data | No Data | 1649 | No Data | No Data | No Data | No Data | No Data | 1620 | No Data | No Data | No Data | No Data | No Data | No Data |
| West Torrens | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | 1135 | 27 | 67 | 31 | No Data | 1260 | \$128,023,602.00 | \$5,078,500.00 | \$12,212,731.00 | \$12,062,000.00 | No Data | \$157,376,833.00 |
| Charles Sturt | 3027 | 54 | 203 | 66 | No Data | 3350 | 2244 | 35 | 131 | 30 | No Data | 2440 | 2178 | 35 | 122 | 30 | No Data | 2365 | \$381,118,305.47 | \$21,408,594.00 | \$77,546,237.42 | \$17,498,498.28 | No Data | \$497,571,635.17 |
| Norwood, Payneham & St Peters | 953 | No Data | 81 | 2 | No Data | 1036 | 728 | No Data | 62 | 2 | No Data | 792 | 682 | No Data | 59 | 2 | No Data | 743 | No Data | No Data | No Data | No Data | No Data | \$305,552.00 |
| Marion | 1382 | 5 | 67 | 13 | 1028 | 2478 | 1365 | 5 | 67 | 13 | 155 | 1605 | 1365 | 5 | 67 | 13 | 155 | 1605 | \$520,401.00 | \$2,207.00 | \$26,255.00 | \$4,840.00 | \$204,748.00 | \$758,449.00 |
| Mount Gambier | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | 266 | 21 | 22 | No Data | 86 | 395 | No Data | No Data | No Data | No Data | No Data | \$3,545,506.00 |
| Berri Barmera | 95 | 2 | 39 | 3 | 56 | 195 | 95 | 1 | 32 | 2 | 52 | 182 | 91 | 1 | 27 | 2 | 49 | 170 | \$47,053.19 | \$515,146.25 | \$31,725.11 | \$214.50 | \$46,466.40 | \$177,005.45 |
| Onkaparinga | 2,791 | 49 | 94 | 38 | 472 | 3,444 | 3,053 | 48 | 119 | 36 | 22 | 3,278 | 2,759 | 43 | 88 | 35 | 19 | 2,944 | \$361,483.00 | \$121,133.00 | \$11,028.00 | \$4,636.00 | \$5,024 | \$400,306.00 |
| Mount Barker | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data |
| Murray Bridge ** 1/7/2016-30/06/2017 | 392 | 11 | 92 | 21 | 45 | 561 | 381 | 9 | 77 | 13 | No Data | 480 | 367 | 9 | 70 | 13 | No Data | 459 | \$151,273.00 | \$4,875.00 | \$80,285.00 | \$4,111.00 | \$17,951.00 | \$258,495.00 |
| Burnside | 1194 | No Data | 65 | No Data | No Data | 1259 | No Data | No Data | No Data | No Data | No Data | No Data | 815 | No Data | 33 | No Data | No Data | 848 | No Data | No Data | No Data | No Data | No Data | \$63,170.00 |
| Naracoorte Lucindale Council | 40 | 11 | 26 | No Data | 127 | 204 | 35 | 7 | 22 | No Data | 125 | 119 | 34 | 7 | 20 | No Data | 122 | 183 | No Data | No Data | No Data | No Data | No Data | No Data |
| City of Playford | 1572 | 35 | 76 | 1 | 149 | 1833 | 1381 | 27 | 61 | 1 | 113 | 1583 | 1283 | 17 | 57 | 1 | 97 | 1455 | \$456,952.67 Y | \$28,132.52 Y | \$23,451.87 Y | \$882.10 | \$80,553.52 | \$589,972.66 |

| Councils: | 3.1 | | | | | 3.2 | | | | | 3.3 | | | | | 3.4 | | | | | 3.5 | | | | | 3.6 | | | | | 3.7 | | | | | 3.8 | | | | | | | | | |
|-------------------------------|---|-------------------------|-------------------------|-------------------------|---------|--|-------------------------|-------------------------|-------------------------|---------|--|-------------------------|-------------------------|-------------------------|---------|---|-------------------------|-------------------------|-------------------------|---------|---|-------------------------|-------------------------|-------------------------|---------|---|-------------------------|-------------------------|-------------------------|-------------------------|---|-------------------------|-------------------------|-------------------------|---------|---|-------------------------|-------------------------|-------------------------|---------|---------|--|--|--|--|
| | Number of inspections in response to mandatory notifications which uncovered building work that did not accord with a development approval. | | | | | Number of sites which uncovered building work which did not accord with development approval, that required further inspection. | | | | | Of all inspections (except those in response to complaints or tip off illegal development) how many revealed unlawful building work? | | | | | Of the unlawful work discovered by inspections, how many were resolved? | | | | | Of the breaches discovered, how many resulted in enforcement action beyond a warning being taken? | | | | | Of the instances where enforcement action beyond a warning was taken, how many resulted in the commencement of legal proceedings? | | | | | Number of complaints, tip-offs or reports were received | | | | | Number of complaints, tip-offs or reports which resulted in an inspection | | | | | | | | | |
| | 2015 | 2016 | 2017 | 2018 | Total | 2015 | 2016 | 2017 | 2018 | Total | 2015 | 2016 | 2017 | 2018 | Total | 2015 | 2016 | 2017 | 2018 | Total | 2015 | 2016 | 2017 | 2018 | Total | 2015 | 2016 | 2017 | 2018 | Total | 2015 | 2016 | 2017 | 2018 | Total | 2015 | 2016 | 2017 | 2018 | Total | | | | | |
| Holdfast Bay | 13 | 21 | 35 | 47 | 116 | 16 | 21 | 25 | 29 | 91 | 3 | 6 | 7 | 6 | 22 | 6 | 5 | 7 | 2 | 20 | 4 | 6 | 4 | 2 | 16 | 1 | 2 | 2 | 1 | 6 | 85 | 90 | 115 | 131 | 421 | 68 | 74 | 98 | 115 | 355 | | | | | |
| Tea Tree Gully | 114 | 61 | 86 | 172 | 433 | All non-compliant structures were reinspected to ensure compliance on many occasions. The same site was inspected on multiple occasions as the works on site were still non-compliant therefore non-compliant numbers should not be compared to other figures. | | | | | No Separate Data | | | | | All unlawful work discovered has been resolved. | | | | | No Data | 16 | 9 | 8 | 33 | No Data | 1 | 2 | 1 | 4 | No Data | 46 | 32 | 39 | 4 | All compliance matters relating to building works or alleged unauthorised building works are inspected and appropriate enforcement action is taken if the matters are not resolved through negotiation. | | | | | | | | | |
| West Torrens | No Data | No Data | No Data | No Data | 422 | No Data Recorded - but all would have required further inspection | | | | | No Separate Data | | | | | No Data | | | | | No Data - held on each individual file. | | | | | No Data - held on each individual file. | | | | | 163 | 193 | 206 | 382 | 944 | This information is held on each individual file for each of the 1405 requests. All dangerous work/building customer requests are inspected. Most requests for condition breaches and development without approval are inspected. | | | | | | | | | |
| Charles Sturt | 784 | 805 | 845 | 666 | 3100 | 751 | 754 | 636** | ? | 2141 | 784 | 805 | 845 | 666 | 3100 | 150 | 124 | 128 | 78 | 480 | 0 | 5 | 13 | 3 | 21 | 2 | 1 | 1 | 2 | 6 | No Data, commenced July 2018. | | | | | No Data, commenced recording July 2018. | | | | | | | | | |
| Norwood, Payneham & St Peters | 65 | 56 | 62 | 64 | 247 | 30 | 31 | 41 | 35 | 137 | Unable to report - however estimated to be low, 1 or 2 per year. | | | | | Whenever unlawful building work is discovered, it typically eventuates in a retrospective application being lodged and ultimately being approved. | | | | | 3 | 3 | 2 | 6 | 14 | No Data | | | | | 44 | 52 | 64 | 126* | 160 | 33 | 39 | 48 | 95 | 215 | | | | | |
| Marion | **400 per annum (approx) | | | | | All required follow up inspections | | | | | **400 per annum (approx) | | | | | All unlawful work discovered has been resolved | | | | | c | No Data | No Data | No Data | 22 | No Data | No Data | No Data | No Data | 0 | No Data | | | | | No Data | | | | | | | | | |
| Mount Gambier | Minimal - less than 10 per year | | | | | Minimal - less than 10 per year | | | | | Minimal - Less than 10 per year | | | | | The majority are resolved - (see notes) | | | | | Maybe 10 enforcement notices per year (see notes) | | | | | Council has been involved in 3 legal proceedings | | | | | No Data | | | | | Council will investigate all complaints received and take appropriate action | | | | | | | | | |
| Berri Barmera | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | | | | | |
| Onkaparinga | No Data | | | | | 1986 of 2709 = 73% | 1536 of 2085 = 73% | 1478 of 1995 = 74% | 1743 of 2164 = 80% | | No Data | | | | | No Data | | | | | 9 (2014/15) | 4 (2015/16) | 8 (2016/17) | 5 (2017/18) | No Data | No Data | | | | | 96 (2014/15) | 112 (2015/16) | 165 (2016/17) | 93 (2017/18) | No Data | All 466 (2014-2018) of the above complaints were investigated by council staff. | | | | | | | | | |
| Mount Barker | No Data - further comments | | | | | No Data - further comments | | | | | All framing breaches detected at mandatory inspection stage | | | | | 100% to council's knowledge | | | | | Approx 5-10 breaches | | | | | No Data | | | | | No Data | | | | | 100% were inspected if found to be a legitimate complaint / breach | | | | | | | | | |
| Murray Bridge | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | | | | | |
| Burnside | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | 397 (2014-2015) | 430 (2015-2016) | 344 (2016-2017) | 283 (2017-2018) | No Data | All complaints resulted in at least one inspection | | | | | | | | | |
| Naracoorte Lucindale Council | 5 (ending 30 June 2015) | 3 (ending 30 June 2016) | 6 (ending 30 June 2017) | 8 (ending 30 June 2018) | 22 | 4 (ending 30 June 2015) | 3 (ending 30 June 2016) | 2 (ending 30 June 2017) | 6 (ending 30 June 2018) | 15 | 2 (ending 30 June 2015) | 1 (ending 30 June 2016) | 0 (ending 30 June 2017) | 3 (ending 30 June 2018) | 6 | 0 (ending 30 June 2015) | 2 (ending 30 June 2016) | 2 (ending 30 June 2017) | 2 (ending 30 June 2018) | 6 | 0 (ending 30 June 2015) | 0 (ending 30 June 2016) | 1 (ending 30 June 2017) | 0 (ending 30 June 2018) | 1 | 0 (ending 30 June 2015) | 0 (ending 30 June 2016) | 1 (ending 30 June 2017) | 0 (ending 30 June 2018) | 1 (ending 30 June 2018) | 4 (ending 30 June 2015) | 4 (ending 30 June 2016) | 5 (ending 30 June 2017) | 4 (ending 30 June 2018) | 17 | 4 (ending 30 June 2015) | 4 (ending 30 June 2016) | 5 (ending 30 June 2017) | 4 (ending 30 June 2018) | 17 | | | | | |
| City of Playford | No Data | | | | | 53% | | | | | No Data | | | | | 53% | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | |
| City of Adelaide | 5 (not all data) | 54 | 35 | 54 | No Data | ALL of them - any non-compliance is followed up with an additional inspection | | | | | We do not record the trigger for inspection | | | | | No Data | 44 | 30 | 41 | No Data | 8 | 6 | 7 | 8 | No Data | Approx each year are appealed and end up in court | | | | | No Data | | | | | Trigger is not recorded - all complaints are followed up | | | | | | | | | |
| City of Mitcham | No Data | No Data | No Data | 130 | No Data | All required a further inspection | | | | | No Data | | | | | No Data | No Data | No Data | 12 | No Data | No Data | No Data | No Data | 3 | No Data | No Data | No Data | No Data | 1 | No Data | 311 | 206 | 261 | 458 | No Data | No Data | No Data | No Data | 80% | No Data | | | | | |
| Kangaroo Island | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | No Data | | | | | | | | | |
| Victor Harbour | 80% (2014-15) | 80% (2015-16) | 80% (2016-17) | 70% (2017-18) | No Data | 50% (2014-15) | 50% (2015-16) | 50% (2016-17) | 50% (2017-18) | No Data | 10% (2014-15) | 10% (2015-16) | 10% (2016-17) | 10% (2017-18) | No Data | 100% (2014-15) | 100% (2015-16) | 100% (2016-17) | 100% (2017-18) | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | 52 (2014-15) | 52 (2015-16) | 52 (2016-17) | 52 (2017-18) | No Data | 100% (2014-15) | 100% (2015-16) | 100% (2016-17) | 100% (2017-18) | No Data | | | | | |

| Councils: | 4.1 | 4.2 | 4.3 | 4.4 | 4.5 | 4.6 | 4.7 | 4.8 | | | | |
|------------------------------|--|---|---|---|---|---|---|---|------|------|------|---------|
| | Has a standard procedure been developed or adopted by Council? | Is training provided to inspectors? | What qualifications or experience (if any) is required for inspectors? | Are inspectors with different qualifications or experience deployed to inspect different types of development or sites of differing complexity? | Is there a record system in place that links DA, mandatory notice requirements, inspections and enforcement action? | If there is a record system, is it accessible to inspection and enforcement staff? | If there is a system, is the data in the system used or assessed to develop or inform the inspection regime? | How many notices under Reg 74(1)(b) did the Council issue (receive)? | | | | |
| | | | | | | | | 2015 | 2016 | 2017 | 2018 | Total |
| Holdfast Bay | No | Yes | Minimum Assistant Building Surveyor for building related inspections. Minimum BA Planning (or equivalent) for land use related inspection. | Building or structural inspection are reserved for qualified Building Officers only. Both Building Officer and Planning Officers undertake land use inspections. | Yes | Yes | Yes | 12 | 44 | 66 | 90 | 212 |
| Tea Tree Gully | Yes, Council has a Building and Swimming Pool Inspection Policy as per Section 71A of the Development Act 1993 adopted by Council and is has a safe work site inspection procedure. | Yes, training is provided by a Level 1 AIBS Accredited Building Surveyor who is highly experienced in this discipline. Each building officer is provided induction training, supervision and specific onsite inspection training for all class of buildings. This accompanied with a minimum of 30 hours CPD training by AIBS to ensure all inspector staff at up to date with all current requirements. All Building Staff also attend the Council Building Fire Safety Committee meetings and Inspections | All building inspections are undertaken by Accredited Building Surveyors Level 3 or Level 1 and if there is a need a consultant engineer will attend the site. Qualifications: Building Officers require a university degree or advanced certificate, they also are required to be accredited by the Australian Institute of Building Surveyors (AIBS) and undertake on the job training to be eligible for accreditation. Some of this Councils building staff have worked in building trades prior to tertiary studies and extensive on the job training. | Yes, Council have two Level 3 Building Surveyors and one Level 1 Building Surveyor and access to a consultant structural engineer and fire expert. Each structure is assessed on its merits and the most appropriately qualified person will undertake these inspections. | Yes, Council have the Authority System and the Content Manager Records management systems which are linked to provide this information. Council also issues expiations for non-notifications of prescribed building works stages. | Yes, Council inspection and enforcement staff use the Authority System and the Content Manager Records management systems to access information and undertake enforcement action. | Yes there is monthly reporting undertaken of the level of notifications received, building inspections undertaken and if there are anomalies found changes are made to resolve them. Example: owner builders non-notifications of works (letters now sent to remind them of their responsibilities to notify of completed works). | No notices have been issued using this specific regulation for works specified in our Inspection Policy for non-notification of commencement of these works ie, Footings and Brick work). Council has issued notices using Section 84 and Section 44(2) of the Development Act 1993 for development not in accordance with approved plans. This normally resolves most non-compliances. | | | | |
| West Torrens | Yes, however primary focus is on recording of inspections in corporate systems. Currently under review, to include processes on site and taking enforcement action under Development Act 1993. | Yes | Level 1-3 AIBS accreditation for building work inspections. For planning inspections (Condition Breaches and Development Without Approval), officer has 15+ years' experience in planning compliance. | All building officers have Level 1 or 2 AIBS accreditation and undertake building work inspections, each officer undertake inspections that range in type and complexity. Planning compliance is undertaken by a planning compliance officer. | Yes, Pathway (workflow management and property records) and Objective (file management). | Yes | Yes | Notice is issued on the development approval decision notification form for all DAs involving building work. Approximately 1500 DAs are issued per year. | | | | |
| Charles Sturt | Yes | Yes, qualified building officers undertake this work and are supported by a team leader. | Undertaken by building officers who have appropriate accreditation via AIBS to undertake assessment and inspection work. | Qualified building officers undertake this work and are supported by a team leader. | We use Property and Rating in the Technology One product to manage all application processes. | Yes | Yes, via reports. | Included all expiations issued under reg 74. - see Council table. | | | | |
| NPSB | Yes | Yes, as required. | Inspectors are required to obtain accreditation with AIBS, and should have general experience for the inspections they are undertaking. | Yes. Senior inspector or one with higher accreditation generally undertakes commercial and more complex inspections. Inspector with Level 3 AIBS accreditation undertakes Class 1 and 10 inspections. | Yes – authority civica. | Yes | Yes | None | | | | |
| Marion | No | Yes | Qualifications as an accredited level 1, 2 or 3 building surveyor under the AIBS or RICS Accreditation Scheme. | Inspectors must only inspect buildings (unsupervised) that are within the limit of the level of their professional accreditation. Additionally the complexity of the issue may require a higher accredited officer to inspect and advise on. | This is handled by 2 different IT systems. | Yes | Statistics from these databases are recorded and reported on in order to indicate productivity and to check inspection numbers against the Development Act targets. | 1641 | 1739 | 1605 | 1593 | No Data |
| Mount Gambier | Council inspections are undertaken in accordance with Council's Inspection policy. | Yes, as required. | Council's qualified Building Officer's currently undertaken all of the Building Inspections. Council does not employ a Building Inspector. | Council may involve the Level 1 Building Surveyor if it involves something complex in nature or exceeds the accreditation of Council's Building Officer's. | Council uses an electronic records system for Development Applications which includes mandatory Notifications, inspections and enforcement action. Civica (Authority) and HPRM (Electronic Records Management System). | Yes, Council's records system is available for access and use by the inspection and enforcement staff. | Yes | Council comment - Is this the correct regulation, this doesn't refer to Council issued notices? | | | | |
| Berri Barmera | Council has a building and swimming pool inspection policy in place which can be found on council's website. | Carried out by building surveyor limited (councils contracted building officer). | Building surveyor limited (councils contracted building officer) is fully qualified. | Building inspection are carried out by building surveyor limited (councils contracted building officer) | These can be linked to the property assessment number. | Yes there is and staff are able to access | No Data | No Data | | | | |
| Onkaparinga | No formal procedure has been developed. In house guidance provided. | Yes, inspectors undertake regular training. | AIBS Accreditation - Levels 1-3 | Yes, however, for learning experience a surveyor with a lower level of accreditation may attend site with a surveyor with higher accreditation i.e. a Level 3 attends with a Level 2 or 1. | Yes - we use Pathway software to record all of this data. | Yes - all staff within the Development Services section have access to the Pathway software. | Not currently. However, have identified software that will enable target inspections and improve the current inspection regime. | No Data | | | | |
| Mount Barker | Yes | Unsure, Officers are qualified Level 1 Building surveyors, that undertake regular training | See above. Timber framing code training required as bare minimum. | Yes, Building Surveyor qualifications related to size of buildings. | This Council has a system that allows officers to track mandatory stages against DA's. Compliance actions also generally managed through this system, but enforcement notices are managed / recorded through a compliance register. | Yes. All officers can view records if recorded properly in system | Formal enforcement action can be recorded for stats purposes (SA Govt) but is only related to DA by address only (enforcement is dealt as a separate matter to inspections). | Council issued approximately nine expiations under Reg 74 | | | | |
| Murray Bridge | Yes | Not over and above normal accreditation and CPD requirements. | The level of accreditation required under the Act. | Between the team, they work out who is the most appropriate to undertake particular inspections based on the work to be inspected and the level of qualifications and experience on the team. | Yes, but it does not function adequately. | Yes, but it does not function adequately. | No, because it does not function adequately. | No Data | | | | |
| Burnside | Yes | Yes | Current Accreditation as a Building Surveyor through AIBS. At current one staff member does not have this accreditation. | Yes | Yes - Property & Rating and CI anywhere. | Yes | Yes | None | | | | |
| Naracoorte Lucindale Council | Yes, only policy | No | Level 3 Building Surveyor | No | No | Yes | No | 8 | | | | |
| City of Playford | Yes | Yes | Level 3 Accreditation with a recognised industry body (AIBS). | Yes – work is allocated by a senior officer and consideration is given to staff's skills, knowledge and experience versus complexity. | Yes – Council utilise Pathway for recording all development applications and inspections. | Yes | Yes – the system is utilised for reporting purposes in determining compliance with the Policy. | In excess of 20 Section 69/84 Notices. | | | | |
| City of Adelaide | No, however all reporting though the same system. | On job training with experienced staff | As per the Act – Building Surveying accreditation. | Yes – allocated based on skill set. | Yes – pathway, mandatory notification link only recent. | Yes Pathway and TRIM | It could be used for that but hasn't has yet | See 3.5 | | | | |
| City of Mitcham | Yes, we have a standard inspection procedure. This is documented within our various inspection check sheets used by all Building Surveyors. | Yes, training is provided to our Surveyors by both of Councils Level 1 Building Surveyors. | The minimum level of qualification required for our inspectors is current accreditation as a Building Surveying Technician issued by an approved building industry accreditation authority. | Yes depending on the size and complexity of the structure. Reg 87 defines these limitations. We have Building Surveyors of all levels within our Building Team. | Yes – our current operating system links all of the above - Techone (Property & Rating). | Yes it is accessible to all of these staff. | Yes in our current system. | None, as we do not request notification of intended commencement of any stage of building work. We only request notification of intended commencement of building work on the site - Reg 74(1)(a) together with Reg 74(1)(c)(ca) & d. | | | | |
| Kangaroo Island | No Data | No Data | No Data | No Data | No Data | No Data | No Data | No Data | | | | |
| Victor Harbour | Yes | Yes | No Data | No Data | Yes | Yes | Yes | No Data | | | | |

Annexure 5

Summary of consultation with industry

Interview questions for Builders and Developers – Building Inspection Policies

Current system

1. What are the main circumstances of non-compliance that you see for building work

Waterproofing is the main one. Not notified and rarely inspected.

Level of supervisions, systems and checklist - more than rely BWS.

Waterproofing, mandatory notices - main 2 elements. Not really one thing that sticks out.

46 degree day - generator enclosure ignited. Design wrong. Not constructed as per Inspection may have picked it.

As per generally.

Waterproofing (balconies and wet areas), roofing - main two areas.

Fire separation - matter of compliance and understanding - not a problem in last 2 years.

Owner/builder - not so much development related.

Have never seen someone cut corners on important issues.

Engineers, superintendents etc all over it in commercial

Residential? -save(?) to find someone purposely.

Owner builder.

Pergolas, sheds, extensions. Home renovations.

2. How effective are current Council building inspection policies?

Practical - don't want more, but don't want less

Should be more consistency amongst councils - notifications in particular.

Never check slabs - engineers do it

Truss inspections onus on the contractors - good.

Not every council has same notice requirement . Some none.

We have our own template - not too bad.

Don't see inspectors on site (though starting to see them more) - welcome inspections.

Get fire safety certificate inspections - SAMFS certificate - aged carelicensing - every 3 years - clearance certificate.

Form 3 - essential services.

Councils wouldn't have expertise to check fire. We do it under our own inspections with our fire engineers - 0% effect!

In old days, councils did inspect. We still give notice but never see a council after notice.

Need standard clauses for notices by councils.

Leave those with good systems alone?

New products and techniques - rarely read specs and manufacturers instructions - query if inspector would be able to pick it up.

Why not have engineer confirm that has been inspected..

Certifier could do it - depends on the job:

- Stock housing may not need it
- More complex eg mods to existing builds etc - certifier wont even know. Engineer is best person.

Don't see inspectors much anymore.

Some councils have reputations on being sticklers or some very slack

Rare that see inspectors - hard to see point of notices.

Some councils do a lot, some none.

Frame and roof inspections more common.

3. What are the weaknesses of the existing system?

No real weaknesses.

R74 - Not all consistent with checking the trusses.

Email notice - but no receipt from Council

We keep stamped plans on site - even though architects issue a construction set.

Not aware of any inspections otherwise

No final check ever done - arch and build do final defect walk around - not a detailed check of plans and as per.

Where do you start! Is it worth them (council) doing it?

Not of any value to large commercial builder with good systems.

Purpose?

Building supervisors are busy. Skills/expertise

Council's leave things late - 2 weeks later will get a letter or notice after the inspections. Prompt response needed.

HIA view is that supervisors should inspect - disagree - think councils should inspect.

4. What would you change to make it more effective?

Wouldn't change much but attention to bushfire/climate.

Also new products and systems - compliance in the materials and construction method.

Not sure that all truss requirements being adhered to.

Actual notifications, more of a relationship with the council.

Uniformity across councils for notice regulations.

Would be great to have second.

Doesn't come close to what we do.

Give notice. We get design engineer to inspect - \$350 per visit. Not a big impact on time or cost.

Randomised inspections so industry doesn't become complacent. Monitoring and review of dates.

5. What you see as the most important matters or issues to look for when inspecting building work?

Bushfire zones - materials used, mandatory requirements.

Can do checklists

Could do standardised template

We have a quality plan.

Fine - generally pretty good

Air con important in aged care.

ITP process very vigorous

6. What effect does the current system have on compliance?

Creates a blueprint to follow - onus on builder

Don't expect council to do it all

Reputation is everything.

Reg 74 compliance main issue.

Effective. Reputations key motivator for compliance.

Don't know. Should be on radar. Nor aware of it.

More about being contractor of choice.

Doubt it has any effect.

Limited.

There is knowledge that some notifications are not followed up.

7. What (if any) effect on cost or delay does a site inspection have?

No real hindrance.

Doesn't cost us because we supervise our own projects.

Fire cert = \$600/3 years for SAMFS - very thorough written report. Similar fee during construction.

1-2% of project value for our inspections. Doesn't delay - scheduling.

Limited in the scheme of things.

The new regime

8. If the system is to be expanded beyond the current regime, what should it expand to cover?

No need to expand.

Standardise. Don't expand.

Stayed as per and at end.

2-3 yearly inspection like fire - other maintenance to management - stormwater, air-con, cracking etc.

Roofs and waterproofing.

Framing and trusses.

Wet areas and ignorance.

Stormwater - effect on structure.

No glaring candidates. More a matter of doing what we do more effectively.

9. How would the expansion be resourced?

No need to expand.

NA

Don't have capability within councils - need to be private sector.

Engineers, certifiers and councils

10. If a fee was charged as part of the development application fees, who would bear that cost?

Cost impact on clients - slows down development.

\$1000 won't stop development - gives comfort.

\$600 reasonable fee - make clear the benefits.

Owner.

Commercial project - probably part of admin fee.

A few \$K for other projects.

Could cut some out of the market. Ain't broke - don't fix it.

11. What is the preferable model for funding?

Don't know (?)

DA fee (like CITB levy)

Increase build fees.

Penalty? Pay if default?

12. How might any expansion be rolled out or “transitioned” into place over time?

Don't know (?)

If just standardised, do it all at once.

Overall people are doing the right thing and construction industry OK.

Interview questions for Associations - Building Inspection Policies

Current system

1. What are the main circumstances of non-compliance that you see for:

1.1. development generally; and

Private certification - councils inspect and see problems with plans (eg aluminium cladding). Unclear if problem with plans. Probably with certification or construction.

1.2. building work

Owner builders

Waterproofing is a consistent issue.

Quality of builder is main driver of risk.

Owner/builder - not enough control over building work, supervisor process. Councils are often not aware and can't enforce.

Whole system: registration system of builders - dramatic difference between good and bad builders.

Inspection need is often obvious once construction is underway:

- could that trigger the level of inspection
- use that info to identify that builder and put them into the system

City and strata - work done by owners (outside scheme etc)

- pergolas, sheds, extensions

Waterproofing less so.

Fire systems - especially where covered up

Co-ordination of trades

Separation of essential services sign off.

Numerous examples of fire wall errors - no penalty

Deliberate departures - eg acoustic windows etc

Builders will take shortcuts for ease

Developer will cheat to cut cost.

2. Are there any types of development that are more likely to involve non-compliance?

Types of materials or methods of construction - not necessarily use or type.

No - perhaps waterproofing - bathrooms and balconies.

Owner builder, small home renos

Higher density - where both building on same boundary

3-4 storey multi unit residential

Garages converted

3. Are there any types of development that are more likely to involve serious non-compliance?

Smaller builders - cowboy factor

Class 1 very different to Class 2. Level 4 BS can do Class 1.

Commercial and industrial separate.

Boundary to boundary work.

It's about the team - not the building itself.

Not aware of any.

4. What types of risks to public or occupant safety do you see for different development types? (eg different use of buildings, different construction methods, different locations, different stages of construction etc)

High occupancy

- Multi storey aspect
- Residential aged care
- Class 6 - retail outlets
- Least expected

Risk less in residential - system generally works

- Footings, wall and roof frame , final (doesn't happen regularly)

Roof trusses important

Risk in commercial sector - class 2-9 (office, multi storey residential)

- Not being inspected.
- ACP panels
- Use of non-complying
- TPI site

Can segregate by risk

5. What are the risks that are most critical to drive the inspection regime?

Fire, class 9 etc --> not necessarily pools or trusses.

Ignore class 10.

Bushfire zone, flood zones

Owner builders

Supervisors are the issue - not inspectors.

Stages:

- Fire compartmentalisation (high rise, aged care, apartments), systems too (commercial builds).
- Structural
- Footings - consumer protection, not so much safety
- Wet areas
- Framing
- Plumbing

- Electrical

Different construction methods - large open building relying on single versus cellular structures

Multi tenancy - high volume/population purposes.

6. How effective are current building inspection policies?

Can't really say - not sure. LGA put together model.

Not effective. Most builders never see inspectors.

As a minimum, they are effective (e.g. the truss system is more or less OK).

But:

- Not resourced properly
- No incentive for a Council to do any more than the bare minimum
- Reinspections - cost more.

Inspections rare, hard to see the point of notice.

7. What are the weaknesses of the existing system?

Qualifications and experience of inspectors vary.

Disconnect between approval and inspection

Resourcing - money and people - training graduates.

Don't see inspectors when they turn up and they (inspectors) don't necessarily look properly or follow up. Qualifications don't include practical experience.

Notion of building departments in LG being "cost neutral" -doesn't encourage councils to do it.

Resourcing:

- Incentive to do bare minimum
- Some councils don't have people/expertise
- Those building surveyors at councils diverted to non-building inspection (noise, dogs, general compliance).
- OHS limits - council inspectors not able to climb two storey ladder.

Reluctance of local government to inspect.

Builders know they won't see an inspector.

8. What would you change to make it better?

Fees- how to make sure properly resourced.

Qualifications

Portal notifications, certifier checklist

Certification of subcontractor who does waterproofing.

1. Any accredited professional to do inspection
2. Mandatory inspections set in stone
3. Increase scope of accredited professionals (could include engineers)
4. Expand private sector (any accredited professionals)

Appropriate qualifications for inspector

Get certifier to take responsibility - perhaps by inspection? 3rd party inspection?

Randomised inspections so industry doesn't become complacent. Monitoring and review of data.

Recognise the benefit of building control to the broader community - not just developer to pay.

Fire, exit signs, alarm services - leave to Fire Brigade. Disconnect between approval process and what happens on site. If Fire Brigade is inspecting - why have inspector check it too?

Private certification - should inspect

Not aware of any site where there has been an inspection by council.

9. Is the mandatory notification regime effective as a trigger for inspections?

Yes - doesn't go far enough

Occupancy linked to notifications compliance.

10. If not, how would it be altered (what other notifications are necessary)?

- Firewalls/separation
- Fire systems
- Anything behind a lining

11. What you see as the most important matters or issues to look for when inspecting building work?

Frames and structural, waterproofing (most issues), firewalls for multi-res, rails etc for balconies, swimming pools.

There are complete failures - demolition

12. How effective are mandatory notifications and the system for those notices?

Waste of time if there is no follow up

Useful to know start/finish of work - inspection of waterproofing is difficult anyway.

Should be (?): start, firewall, waterproof, completion. Assume use of engineer for footings and BRWs (?) for framing.

Limited effectiveness -possibly because council doesn't follow up,

13. What effect does the current system have on compliance?

Not effective. Infringement notice to back it up quickly and easily, Remote councils just cant.

Not sure it has any effect on compliance.

There isn't compliance because there isn't a sufficient regime.

Does have real effect on compliance. Industry knows what council inspects.

There is knowledge that some notifications are not followed up.

The new regime

14. If the system is to be expanded beyond the current regime, what should it expand to cover?

No firm view.

New technology in construction.

In commercial?

Bushfire areas: inspect existing houses in bushfire areas.

Use AIBS sheet and allow certifiers to add notes.

No glaring candidates - more a matter of doing what we do more effectively.

No need to increase/expand - make it more targeted, strategic/focussed.

Focus on improving skills

Is there a real issue with planning? What is the need.

15. Could mandatory notifications be reshaped to better target the inspection process?

Yes.

Yes

16. What do you anticipate will be the most important things to look for or inspect if inspecting development generally?

Depends on local government area (eg in Campbelltown - are garages being used as an extra room or are there cars on streets in infill area.)

17. How would the expansion be resourced?

LG recommend less than 30% of the cost associated with development assessment - cost and cost recovery.

Engineers, BWS

Any accredited professional - not just council

If cls - not inspecting dogs

Transition as builders learn the new regime.

18. Is there capacity within the existing resources?

Not sure if the new system will receive some resources from DA to go to inspections?
Otherwise at capacity. Complaints drain resources.

No.

Yes - if well managed

19. If further resources are required, what would be necessary?

Issue not just the \$\$ - also the people.

No of people, proper experience and knowledge

- Some upskilling?
- Engineers for footings

Use accredited professionals to inspect (not just council but private certifiers)

Imposition of proper costs to inspect

Much more effective for original certifier to inspect.

20. If a fee was charged as part of the development application fees, who would bear that cost?

Leave to market - even Councils

Applicant pays

A few % of construction cost

Builder/owner/developer

- Would prefer inspections that are consistent and equitable and provide confidence and conformity for the extra (limited) cost of \$1000 or so

Extra costs? For large commercial - probably not significant. Different for dwellings.

21. What are the options for providing adequate capacity and resources for an expanded inspection regime?

Uni courses

Private sector (cost)

Uni qualified people may not want to go to Council inspections.

Architects

Need to warrant to banks anyway

Might take in on above individual property in project.

Risk of just coming in to certify - probably not worth it.

Design engineer - can also have a role in confirming

Services engineers messed up by builder - design done, go to tender - gets redesigned by builder, services engineer re-designs etc - pressure to drop design down.

The requirement to certify (by design engineer) gives some power against client.

Missing is designer certifying that what is built is what was designed.

Cert qualifications and service standard and let market set fees

22. How might any expansion be rolled out or “transitioned” into place over time?

Focus on the high risk and complex.

Yes - but double edged - switch on at once so everyone knows vs dragging out in haphazard fashion. Identify key policies, driven by the risk profile.

23. Is the private sector in a position to provide capacity for a new inspection regime?

Not sure - even the experienced private providers are aging.

Yes - with lead-in time and some upskilling (BWS)

Wall frame system works

Footing - maybe leave inspectors to do them

Final inspection - 25% could be done by lowest tier of inspector

24. Is local government able to meet the extra workload

Some councils might but many wouldn't. Liability?

See how new regional planning boards might drive efficiency and resource sharing.

25. What are the cost increases that could be borne by the development sector if the regime were funded that way?

Workcover model?

If LG pays, goes back to the rate payers --> obligation on builder?

Zero (re development sector).

None. Reduce the costs, make it better and more efficient.

26. What are the funding options for a new expanded regime?

Builder --> compliance/breach "workcover"

Owner --> DA fee

LG --> broader public benefit costs, Depends on rate capping policy. Will it be within the cap etc.

Local government - rate base.

Extra costs? For large commercial - probably not significant. Different for dwellings.

27. What is the preferable model for funding?

Location - if within metro less than travel in regions.

Metro inspections by council - 1st single inspections \$300-500, reinspect \$250

Experience in other states --> total cost is \$2-3,000 for domestic house, where certifier do own inspections

VIC - \$5,000 for application fee, inspection and government fees for 2 storey house.

\$150-170/hr for general BS (not a Director)

Interview questions for Certifiers – Building Inspection Policies

Current system

1. What are the main circumstances of non-compliance that you see for:
 - 1.1. development generally; and

Hard to say. Certifiers don't have to inspect - don't want liability.
 - 1.2. building work

Exit signs (esp. public buildings)
Fire safety - complex, standards.
Firewalls - precise installation requirements

Work done without approval (i.e. start before BRC or change on site)
2. Are there any types of buildings or development that are more likely to involve non-compliance?

More the builder, supervisor and tradies.
Some are more complex, but tend to be done by better builders. Hospitals, Aged Care, Assembly.

Residential and domestic is of high quality - but trades etc are changing without approval.
Commercial and industrial more important - considering consequence not likelihood.
3. Are there any types of buildings or development that are more likely to involve serious non-compliance?

No - more the builder, supervisor and tradies.
Residential builds are more simple, but builder quality is lesser.
4. What types of risks to public or occupant safety do you see for different development types? (eg different use of buildings, different construction methods, different locations, different stages of construction etc)
5. How can the risks be broken down?
 - 5.1. Residential
 - 5.1.1. Multi level
 - 5.1.2. Multi occupant
 - 5.2. Office
 - 5.3. Commercial/retail
 - 5.4. Industrial
 - 5.5. Public/institutional
 - 5.6. Fire systems
 - 5.7. Construction techniques
 - 5.8. Safety v public health

Residential:

3-4 storey apartments -- attracting smaller residential builders with no experience.

Classification, no. of stories, fire compartments, occupant numbers.

Certifiers checklist to trigger the mandatory notifications.

Similar to the essential safety provision

Checklist plus discretions power - e.g. sometimes the documents are incomplete or vague. Working group to develop.

How to stop cheating: Auditing of conditions and follow through. SACAT?

6. How effective are current building inspection policies?

Ineffective. Reactive. Limited notifications and inspections. Builders not notifying and councils not inspecting in response.

Too much creating uneven field for good v bad builders.

E.g. firewalls - those who cheat do it at less cost.

7. What are the weaknesses of the existing system?

Builders know they won't be inspected (2)

No consequence for starting work without giving notice.

Paper based system - contempt for it.

Complex projects --> councils don't have the capability.

8. What would you change to make it more effective?

Mindset and culture

Warnings - not too heavy handed.

Cross reference of council data - builders warned by one council and not another.

Fees for BRC in LG not enough to fund,

Inspectors skills - similar to complexity matrix.

Inspector to hold them to account - fines etc - licence consequence.

Make site supervisor more accountable - more effective than more inspections.

9. Is the mandatory notification regime effective as a trigger for inspections?

Yes - link to supervisor's sign off - link to random audit

10. If not, how would it be altered (what other notifications are necessary)?

Certifier to nominate - especially larger more complex commercial projects.

11. What you see as the most important matters or issues to look for when inspecting building work?

Could do a list of stages and issues.

Certifier could be involved. Plenty of opportunity.

12. What effect does the current system have on compliance?

Minimal - no follow up. (except swimming pools)

Ineffective. Lack of inspections and lack of technical expertise.

13. What is the usual cost of inspections?

Ideally \$250/hr. \$120 for level 4 plus general risk and admin costs.

Duration hard to pick - varies.

Minimum \$180 per visit - say 4 inspections - 3-4 inspections/day for a good inspector.

Where non-compliance - reinspect.

The new regime

14. If the system is to be expanded beyond the current regime, what should it expand to cover?

Commercial and industrial, not residential.

15. What do you anticipate will be the most important things to look for or inspect if inspecting development generally?

16. How would the expansion be resourced?

Certifier does the inspection.

17. Is there capacity within the existing resources?

Not at present. Would need to build capacity over several years.

Councils don't have the resources.

We don't have capacity.

18. If further resources are required, what would be necessary?

Don't know. Training of supervisors as a start.

19. If a fee was charged as part of the development application fees, who would bear that cost?

DA, rates, user pays. Compare DA costs interstate? Check NT system - hold points.

For commercial and industrial yes - in DA fee.

For residential - levy?

20. What is the preferable model for funding?

Initial fee/cost for first inspection, but builder to pay if further inspections due to fault.

User pays - applicant.

21. How might any expansion be rolled out or “transitioned” into place over time?

Long period to get BWS and improve skills.

Building surveyors need more time on site.

22. Do inspections make a difference to compliance?

Yes - can help enhance overall system - lead to training and CPDs for trades etc.

Yes - "as per" compliance.

23. Do inspections make a difference to construction standards?

Yes.

24. Do inspections reveal non-compliance?

Yes.

25. Do inspections make a difference to building safety?

Yes

Other comments

Group of people to meet regularly with council and certifier would improve certification - similar model with BWS

Regular form - see old Building Act

Building Referees - effective system.

Interview questions for insurers

1. What building work has the greatest likelihood of construction failure?

High rise - size adds complexity, more advanced design - potential for greater variation.

Sleeper issue is mid rise (3-6 floors).

- Builders more likely to cut corners
- Less disputing parties when compared to high rise

Mid rise probably greater occurrence in terms of likelihood of construction failure/defect.

Main circumstance of non-compliance:

- Waterproofing - balconies (even step downs)
- Passive fire protection

Types of development more likely to involve non-compliance:

Residential -- more emotional so more claims.

Big exposure in multistorey apartments - just multiplier effect - more complex constructions, requires greater coordination of trades etc.

2. What building work has the greatest consequence of construction failure that you have noticed?

High rise residential.

3. What are the risks that are most critical to drive a building inspection regime

Issue with role definition - what is and isn't BS responsibility?

Insurers view inspection as a high legal liability.

BS have liability, but are they paying disproportionately for it?

Role definition is where it starts.

Narrowing of responsibility would help -

Balustrade and pool fence at final inspection

Life safety issues and expensive things - footing, frame, final, maybe waterproofing (not sure if effective though)

4. What do you see as the most important matters or issues to look for when inspecting building work to reduce the risk of construction failure?

Product substitution/degradation is biggest risk driver/big issue

E.g. cladding, glass.

BS doesn't have continuous observation on site - not on site full time to check these things.

Need to be conscious of things like cracking, weight loading - BS largely responsible for ensuring engineer has signed off.

Large construction an issue - these issues are outside the realm of BS - not responsible or don't have qualifications.

Needs to be more clarity of roles. BS role should be narrowed.

There is a risk insurance industry will turn their back on BS

5. What would you change to make the system more effective?

Inspections - don't limit them to anything - look at *all* issues.

6. If the system is to be expanded beyond the current regime, what should it expand to cover?

Cost of inspections small in context.

Limit discretion - make more prescriptive but retain some discretion in inspections

Residential development is frequency not severity issue.

\$5m premium from building surveyors - insurers lose money on them!

Premiums are doubling each year - 1 cladding claim can kill that.

Annexure 6

Summary of interstate legislation and consultation

Annexure 6 - Interstate Legislation

New South Wales

The legislation governing inspections in NSW is the *Environmental Planning and Assessment Act 1979* and *Regulations 2000*. As part of an update of the NSW planning system, the EP&A Act was amended via the *Environmental Planning and Assessment Amendment Act 2017*. Though most of Act commenced in 2018, those provisions relating to building and subdivision certification have been deferred until September 2019¹, with the former provisions continuing to apply until then².

What is required to undertake building work?

In NSW building work must not be commenced until a *construction certificate* for that building work has been issued by the consent authority, a council, or an accredited certifier. Further, a development consent does not authorise building work until a certifier has been appointed as the *principal certifier* for the work.

Who certifies building work and undertakes inspection?

A council certifier, or a private accredited certifier can certify building work including undertaking building inspections. In practice, it appears that private certifiers undertake the majority of building certification in NSW, with council resources appearing to be more focussed on complaints and enforcement. The certifier undertaking the inspections does not need to be the principal certifier, but any other certifying authority undertaking the inspection may only do so with the agreement of the principal certifier.

¹ Part 6 of the Act (other than Division 6.7).

² See sections 81A (2)-(6), 86 and Part 4A (and the regulations made under that part as so in force) of the former version of the Act.

Mandatory inspections

While another certifier can undertake inspections with the agreement of the principal certifier, the last critical stage inspection *must* be carried out by the principal certifier. The mandatory inspections for the various classes are as follows:

| Class 1 or 10 Buildings | Class 2, 3 or 4 Buildings | Class 5, 6, 7, 8 or 9 Buildings | Swimming Pools |
|--|---|---|---|
| <ol style="list-style-type: none"> 1. After excavation for, and prior to the placement of, any footings; 2. Prior to pouring of any in-situ reinforced concrete building element; 3. Prior to covering of the framework for any floor, wall roof or other building element; 4. Prior to covering waterproofing in any wet areas; 5. Prior to covering any stormwater drainage connections; 6. After the building work has been completed and prior to any occupation certificate being issued in relation to the building. | <ol style="list-style-type: none"> 1. After the commencement of the excavation for, and before the placement of, the first footing; 2. Prior to the covering of fire protection at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work; 3. Prior to covering the junction of any internal fire-resisting construction bounding a sole occupancy unit, and any other building element required to resist internal fire spread, inspection of a minimum of 30% sole occupancy units on each storey of the building containing sole occupancy units; 4. Prior to any covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building; 5. Prior to covering any stormwater drainage connections; 6. After the building work has been completed and prior to any occupation certificate being issued in relation to the building. | <ol style="list-style-type: none"> 1. After the commencement of the excavation for, and before the placement of, the first footing; 2. In relation to a critical stage inspection of a class 9a and 9c building - prior to covering of fire protections at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work; 3. Prior to covering any stormwater drainage connections; 4. After the building work has been completed and prior to any occupation certificate being issued in relation to the building. | <p>As soon as practicable after the barrier (if one is required under the <i>Swimming Pools Act 1992</i>) has been erected.</p> |

Compliance/enforcement

Under the new provisions for certification (Part 6 of the Act), a principal certifier (if not the council) *must* issue a notice on the builder when non-compliance is identified. If the direction provided in the notice is not complied with the principal certifier must send a copy of the notice to the consent authority and inform it that the notice has not been complied with.

Record keeping

Records are required to be kept of each critical stage inspection as well as any inspection carried out that was required by the principal certifying authority. Records must be made as soon as practicable after the inspection is carried out and the Regulations prescribe the minimum details required.

Key takeaways from consultation

Non- notification is considered an ongoing issue though one council interviewee observed that it is less of an issue now.

The system was generally considered effective in terms of its impact on compliance but it was noted that it is a complicated system, and that education of the relevant parties would increase the effectiveness of the system.

In terms of resourcing, observations were made that there are more than enough certifiers in the market to service metro areas, however there was also a sentiment that the building surveying profession was aging and that resourcing may be a problem in 10-15 years. By way of council resourcing in particular, at present the amalgamation of certain councils a few years ago has stretched resources at an interviewee council, with comments also made that it is difficult to attract new employees.

Certification fees offered by councils are unregulated and feedback was that this was a desirable option as it encourages competition. However it was noted that councils were at a disadvantage as they have to advertise their fees and charges online but private certifiers do not.

Victoria

In Victoria, building certification (including inspections) can be carried out by the Municipal Building Surveyor (operating under the Council), or a private building surveyor. As with New South Wales, it appears that in the bulk of circumstances, the services of a private building surveyor are engaged over the Municipal Building Surveyor. The relevant legislation relating to building certification and inspections is the *Building Act 1993* and the *Building Regulations 2018*.

What is required to undertake building work?

Building work cannot be undertaken unless a building permit has been issued in relation to the work. An application for building work can be made to a Municipal Building surveyor or to a private building surveyor (termed the relevant building surveyor (RBS)). The relevant building surveyor can be engaged by or on behalf of the owner of the land upon which the building work will be carried out.

Who certifies building work and undertakes inspections?

The RBS certifies building work and is responsible for issuing the building permit. The RBS must conduct the required inspections for building work, or they must engage another building surveyor or inspector or other such prescribed person to undertake the inspections.

Mandatory inspections

The builder must notify the RBS of the completion of each mandatory notification stage of that work. Upon being notified that a mandatory notification stage of building work has been completed the relevant building surveyor must cause the building work to be inspected in person, and cannot rely on photographs or written confirmations etc. The mandatory inspections under the relevant legislation are:

| The construction of a new building or alteration to an existing building | The demolition or removal of a building | Construction of a swimming pool or spa |
|--|--|--|
| <ol style="list-style-type: none"> 1. Before placing a footing; 2. Before pouring an in situ reinforced concrete member that is specified in the relevant building permit by the relevant building surveyor; 3. The completion of framework; 4. During the carrying out of building work specified in the relevant building permit by the relevant building surveyor for the purposes of any inspection required by regulation 172; 5. Final, on the completion of all building work. | <ol style="list-style-type: none"> 1. The completion of any precautions required to be taken under regulation 116 or 117; 2. Final, on the completion of all demolition or removal work. | <ol style="list-style-type: none"> 1. The completion of any excavation related to the installation of the swimming pool or spa; 2. Before pouring any footing or in situ reinforced concrete member that is specified in the relevant building permit by the relevant building surveyor; 3. The completion of any precautions required to be taken under regulation 116; 4. Final, on the completion of the swimming pool or spa and related safety barrier. |

Regulation 172 of the *Building Regulations 2018* also prescribes the fire and smoke resisting building elements that are to be inspected on *each storey* of a class 2, 3 or 4 buildings. This regulation was apparently considered the least costly means of demonstrating that fire construction was properly done³. The absence of prescribed timing for inspections was intentional to provide Building Surveyors with more flexibility.

Record keeping

Records of inspections are required to be kept and the minimum information required is prescribed by the Regulations.

Compliance/enforcement

The relevant building surveyor or an authorised person engaged by them can issue oral and written directions to fix building work where in the opinion of the RBS or the authorised person, as the case may be, the building work fails to comply with the *Building Act*, the regulations or the building permit issued in relation to the work. If a written direction is not complied with, the RBS or authorised person must give written notice to the Victorian Building Authority (VBA) of that failure to comply.

³ From consultation with VIC Dept of Planning.

Private building surveyors can also issue building notices and orders, including an order to stop building work. This is only in circumstances where the notice or order relates to land that the private building surveyor has been appointed to carry out a function under the Building Act (i.e. the issue of a building permit or the carrying out of building inspections of buildings and building work or the issuing of an occupancy permit). This power remains even after the grant of a certificate of final inspection or an occupancy permit or temporary approval. Again, if a person fails to comply with a building order made by a private building surveyor that private building surveyor must refer the matter to the VBA.

Key takeaways from consultation

The potential for conflicts of interest on the part of the building certifier were raised as a weakness of the system, including by the Department. One council suggested the separation of certification and inspections.

Dysfunction between the Victorian Building Authority and Councils was also raised as they have overlapping regulatory responsibilities.

Structural adequacy and elements that threatened life safety such as fire protection measures were considered the most important matters to look for when inspecting building work.

In terms of the effectiveness of the regime in Victoria, views were mixed, with negative views citing high non-compliance rates and that the system in place in the 90s was better.

The system is poorly resourced with concerns that there is a big gap between more senior surveyors and newer surveyors still gaining the requisite experience.

Queensland

In Queensland, the legislation of greatest relevance to the building inspection regime is the *Building Act 1975* and the *Building Regulation 2006*, though there is some interplay with the *Planning Act 2016* and the *Planning Regulation 2017*.

Guidelines for the inspections of class 1 and 10 buildings, as well as class 2-9 buildings have previously been published by the Queensland Government.

What is required to undertake building work?

A building development approval is required before the commencement of any building work.

Who certifies building work and undertakes inspections

Under the *Building Act 1975*, building assessment work must be carried out by a building certifier. Where a building development application is made to a Council and where no private certifier has been engaged, the Council **must** appoint or employ another building certifier to perform the building certifying functions for the application and the subsequent building work. In practice it appears that very few applications are made to the councils for building certification and in many councils will direct applicants to private certifiers.

The building certifier engaged need not necessarily inspect all mandatory stages of building work and can rely on a certificate of inspection from a “competent person” in a number of cases.

Mandatory inspections

In addition to the stages at which the building development approval states the work must be inspected, the following are stages of assessable building work:

| Detached class 1a building | Construction of, or alteration to, a swimming pool |
|--|---|
| <ol style="list-style-type: none"> 1. The excavation of foundation material and before the footings for the building are laid; 2. If the building is to have a slab - after the placement of formwork and steel for the slab but before the concrete for the slab is poured; 3. To the extent the bracing for the frame of the building consists of cladding or lining - after the cladding or lining has been fixed to the frame; 4. To the extent the bracing for the frame of the building does not consist of cladding or linings - before the cladding or lining is fixed to the frame; 5. If reinforced masonry construction is used for the frame of the building - before the wall cavities are filled; 6. At the completion of all aspects of the work. | <ol style="list-style-type: none"> 1. If a temporary fence for the pool is constructed- <ol style="list-style-type: none"> a. After the temporary fence for the pool is constructed and before the pool is filled with water to a depth of 300mm or more; and b. If the building certifier for the work extends the period that the temporary fence for the pool can be in place- before the extension is given; and 2. At the completion of the pool and its fencing and, if no temporary fence for the pool was constructed, before the pool is filled with water to a depth of 300mm or more. |

After giving notice of these stages, the builder cannot start the next stage of building work until a certificate of inspection has been given for that stage for which notice was given.

Record keeping

A private certifier must keep all inspection documentation for building work for which they have been engaged for at least 5 years after the building work is completed.

Compliance/enforcement

If non-compliant work is uncovered during an inspection, the building certifier (or a competent person) must give the builder (and where a competent person is used, also the building certifier) a non-compliance notice stating what doesn't comply and why it does not comply.

If a builder does not undertake the work to bring the relevant stage into compliance, the building certifier must issue an enforcement notice. If that is not complied with the certifier must notify both the relevant council and the QBCC.

Key takeaways from consultation

A perceived lack of regulation of building products to protect against non-compliant or substituted products featured most prominently in discussions with Queensland councils and associations, when compared to other states.

This was considered a weakness of the system, as well as (from a council perspective), the training and background of new certifiers (i.e. they are now generally university trained and do not have a trade background), and an under resourced regulator (QBCC).

The legislative requirement for building certifiers to *not* issue a building approval that is in conflict with the relevant planning scheme was considered also difficult and problematic in practice.

The potential for a conflict of interest on the part of private certifiers was also raised but the degree to which it was considered a real issue varied quite significantly (i.e. from a fundamental issue with the system to merely a risk that needs to be monitored/regulated). Comments were also made about private certifier fees being too low and not reflecting the certifier's role and responsibilities.

An independent regulator for certification and materials was suggested as a means of improving the system as well as increasing the practical skills of private certifiers. Among the councils interviewed, the system was generally perceived as having a very limited effect on compliance, largely due to the conflict of interest created for private certifiers and inadequate regulation.

Interview questions for Interstate Councils and departments – Building Inspection Policies

Identifying the risks

1. What are the main circumstances of non-compliance that you see for:

1.1. development generally; and

Breach of development consent --> becomes difficult to certify without permit.
Non compliance with conditions of consent.

Non-compliance with approval

Unauthorised development.

1.2. building work

Get a lot of unauthorised work. Maybe due to ignorance or to avoid processes have to be put through. Get a lot of applications for building certificate for unauthorised building work.

Second most likely is dwelling and additions.

Non-compliance with building code.

Not constructed in accordance with approval.

Unauthorised development

Domestic - siting

Commercial -> go ahead and build illegal works, construction and design.

Illegal building work

Pool safety barrier compliance.

ES Measures

Water ingress

Non-compliant cladding

Fire resistant construction

Slabs

Shoddy building

MBA has said plastering a bit of a problem.

2. Are there any types of development that are more likely to involve non-compliance?

Retaining walls that exceed height of 600mm (i.e. so doesn't fit into exempt devt) - prolific. Ignorance on part of owners. In more affluent areas, larger retaining walls where builders should know better. A lot of unauthorised sheds.

More owner builders-notifications. Bigger projects --> know processes and procedures.

External work, retaining walls, height, siting, non-complying building product.

Alterations and additions to dwellings, patios. Many unauthorised sheds going up. Unapproved earthworks.

Swimming pool safety - council proactive and reactive in addressing
Non compliance with approval - eg hours of operation and conditions.
Maintain active presence re dangerous structures.

Apartment buildings --> trying to squeeze in as much as possibly can. Smaller apartment buildings more likely to involve dodgy builders.

Pool, alfresco

Referrals from fire brigade --> Worksafe, ESPs compliance, dangerous building. Building fires, vehicle impacts with buildings.

High rise, eg cladding --> commercial and domestic

Water ingress on high rise -- issues with balconies

Light-Weight fire construction - class 2-3 high rise.

3. Are there any types of development that are more likely to involve serious non-compliance?

Structures in slip areas - potentially a hazard, also retaining walls - no geotechnical report. Swimming pools, pre-fab that don't meet exempt development and don't have fencing.

Residential development. Small scale development.

Fire separation between apartments.

Swimming pool barrier maintenance compliance is very low. 95% fail rate.

ESM maintenance - v high fail rate (via audit inspections).

Cladding serious from expense point of view. Not clear from risk point of view.
Roof trusses

Water ingress - tricky as difficult to find cause --> poor installation, poor products, or waterproof membrane punctured during construction.

Use jumping from acceptable to code assessed dev eg home based business, student accommodation.

4. What types of risks to public or occupant safety do you see for different development types? (eg different use of buildings, different construction methods, different locations, different stages of construction etc)

Conversion of house into boarding house - potential fire hazard for occupants

Conversion of houses into flats and don't take fire protection measures.

Housing in garages.

Fire and health hazard, waterproofing.

High rise residential --> council not normally involved as private sector normally certifies.
Fire exits.

Safety part concerns use.

Rooming accommodation - no fire separation (use loophole re no. of people so can still classify it as class1a).

Change in use up there.

Eg Church going up in industrial area --> risk to occupants, fire safety features and amenities.

Lack of fitout approval --> BC will do shell approval but no fitout - create food prep risk, health and safety, plumbing.

Plumbing - a lot of unapproved sewer systems, unapproved plumbing work - real concern.

Flammable cladding - occupant safety

Expanded polystyrene installation - as it ages it increases in flammability.

Waterproofing - health safety not life safety.

Change of use is a problem --> sometimes like use to like use not a problem but something like a factory to a church or mosque problematic.

Lots of illegal building --> owner builders building veranda, patio --> often structures are not that good.

Illegal verandas and carports

Spas - complying barriers

Site cuts and excavation.

5. What are the risks that are most critical to drive an inspection regime?

Look to critical stage inspections

Timber frames

Inspect and may require engineers certificate.

Footings - most inspected - can get engineer certified as well.

Major problems come from both.

Occupant safety is no. 1 factor

Risk to authorities attending site during emergency - access and egress. Protecting property so hazard doesn't spread any further.

Look to critical stage inspections - have evolved over time

Problems are fundamental. At point PCs took over neutral judgement stopped. Certifier favour builder not owner --> builder hires certifier. Scrutiny got watered down.

Conflict of interest is fundamental as legislation allows the builder to be the applicant. Cost of approval too low for what should be happening. Some builders obtaining for \$870 - \$1100-1500 general price. On this basis surely inspections are being missed. With the council - covers the area and could blacklist builder.

See things on enforcement side that have been approved that should never have been approved. There is always someone who will grant approval. Private Certification system not currently working in public favour.

Dangerous structures

Interface between issue and damage to property and person

Pool safety a high priority.

Compliance with development approval - generally lower priority but important - i.e. conditions being met.

Pool safety - fencing

Plumbing - effluent disposal, unapproved plumbing work

Retaining walls - failed retaining walls, big rain events.

Mandatory inspections.

Critical are owner builders - non notification

Needs to be more clarity about responsibilities. VBA a toothless tiger.

Professional BS in local government need to have radar for things haven't seen yet --> for things that might bite you in the backside, so you can prioritise -- because risk to life safety.

Not just stage - inspect everything.

Public safety -- fire

Slab stage -- structural integrity

Final inspection - general look over

Looked at adding stage for waterproofing but BS said being able to get in and inspect would be too difficult.

Effectiveness

6. How effective are current building inspection policies and practices?

Not sure if statewide policy?

Internal practices at council work well. Non-notification is an issue.

Give info to people re inspections -- mostly works well but non- notification is an issue.

Building permit will specify mandatory inspection

Proactive Building Surveyor should be on top of that.

MBS do about 5%. Do enforcement and compliance. Will contact PBS and tell them about any issues. Small percentage of builders will not fix and. MBS policy doc says to report to VBA. Some regulatory tension there - some councils reluctant to do it. VBA too. Some complaints will fall through the cracks.

Inspection checklist put out by state.

7. What are the weaknesses of your system?

Weaknesses lie in persons undertaking the work --> owner/builder, tradesmen under standard, problems with waterproofing
Need training.

Govt trying to tighten controls.

New critical stage inspections re fire rating.

There is no control of building materials that are coming in. No regulator to say whether product is fit for purpose.

Problem with regulator/people controlling imports --> cladding is the clearest example.

Glass from different countries - quality differs greatly. If there is a regulator it has no claws or teeth or brain.

Pool safety inspectors - only have to do 3 day course -- not doing properly and uncovered by later inspections.

QBCC very poorly resourced --> take over a year to investigate.

Proper regulator doesn't exist. Made to look and appear so but no. Regulation of certification for products -- criminal element --> who is policing?

Issue with PCs --> they have never worked for councils, are university trained, don't come from trade background.

No on-ground experience.

Those doing framing inspections - never going to pick up the intricacies of what's wrong. PCs - seem to have different view of life. Focus on how they can approve, not what is in public interest.

?suggest mandatory stint working in local authority.

Fees

PCs don't charge enough for what they do and their responsibilities .

Can be expensive.

Rely on PI insurance too much.

Fairly robust as far as it can be practically

Surveyor has power to issue enforcement notice. Often will find perception of bias in mind of complainant as BS is engaged by owner/builder.

Managing that perception from the public is difficult.

Advantage of privatisation - no longer conflict of interest for council (previously doing approval and compliance).

Legislation needs to be clear

Conflict more a perception than one of actual reality.

Ensuring regulation from QBCC is imperative. Needs to be deeply embedded.

Cladding issue - took 20 years to come to a head. VBA focussing on that.

Disconnect between planning system and building permit.

In VIC, the PBS who issues BP have enforcement powers, but very rarely use them.

Enforcement expensive and you need expertise. Lots of NC PBS building permits. Privatised part of enforcement a complete dud - should be left to govt agency to do enforcement.

Often mandatory inspections don't happen - need to separate practitioner - separate inspections via cab rank system.

Regulatory tension between MBS and VBA.

PBS are pretty low on inspectors. If it is rudimentary, they will often send TAFE students to get stuff signed off.

AIBs will raise relative role of BS and builder - i.e. BS was never intended to be a clerk of works.

Re non-notification - have tightened Act to BS required to report it to the VBA.

Conflict of interest with PBS - engaged by builders, reliant on builders business.

8. What would you change to make it better?

Non notification not so much of an issue now because of construction certificate. Still get them --> rely on certification documents --> equally owner/builders and builders.

Further inspections - fire rated ceilings

Make utilisation of compliance certificates (subject to third party check and sign off) mandatory for more things - fire rated ceilings, critical FS measures etc - will make more comfortable that it is compliant.

Always room for improvement - see reforms suggested by various reports eg Shergold Weir.

A system needs appropriate checks and balances so desired outcomes are achieved.

Proper regulator would bring about vast improvement.

Nothing has been implemented from Wallace report.

Independent regulator required in certification and other areas - materials.

More practical skills for PCs

Certain level of inspectors that come from trade background

Room for semi-retired chippy/builder.

PC needs to spend some time in regulatory field so they can see a bit of the other side. PC works for builder so there is potential for conflict. There is value in a certifier working for a builders but needs to be a review somewhere along the line.

PC can work but need better and more proactive regulation and auditing.

QBCC has never done audit in 10 years of PC lodgements.

Annual audit for all Building Surveyors. CPDs. Profession is top heavy with older guys. Get slacker. Confidence in what BSs do is eroding every year. Need a floor in fees.

Go to structural soundness. Concrete reinforcement and framing should be inspected every time.

Have changed quite a lot. Dysfunction does exist between VBA and councils - overlapping responsibilities and functions. Not easy to say how this should be changed. Reduce one and increase another? Or give direction to councils.

9. What you see as the most important matters or issues to look for when inspecting building work?

Look at overall picture.

Look if footings in right spot as per plans

Certifiers being a bit more conscious of all this and will stop work. E.g. adding windows. At that point certifier should stop and send off to council for building certificate.

Depends on critical stage inspection. Residential - footings, slab, framework, structural adequacy is important - sole responsibility of any certifiers .

Other builds: fire safety, compliance with approval and systems.

Life safety/public safety

Structural adequacy

Fire safety if required

Disability access.

Waterproofing

Main risks - structural integrity and compliance with fire protection measures.

10. What effect does your system have on compliance?

Has probably had an effect on compliance. People are becoming more conscious. Don't think they should offer building certificate.

Effective if people know the process. Education is key. There are a lot of steps, it is a complicated system.

100% negative -- number in the high 90s% would not comply. If everything is OK and complies -> that is considered a miracle.

No. Compliance took back step since PC. Because role of BI previously to do with compliance, that has fallen away - not happening.

Also system is too complicated and difficult to navigate. Overregulated as a nation already

Benefit is that council, when engaged in compliance, removes idea that might take action against someone for overzealous reasons. The split between roles (i.e council and private certifiers) creates space and allows council to be removed from situation.

In 1990s Vic had one of best systems in the world - if something was wrong, you could reapply for a modification. Can't be too hard on builders now.

2010-2011 VAGO report. Found 96% of non-compliance rate for building permits. Reflects his experience in field.

System should self audit - transparency and separation of functions will make better.

Pretty happy with how it is working.

Building dispute body better for dealing with smaller disputes.

BS will say they can't guarantee compliance - can only see what they can see. Primary duty is on builder. BS acting as auditor. Don't have good data on compliance

Change in role of PBS - has been discussion re giving inspections back to councils - AIBs put that on the table.

Resourcing and capacity

11. How effectively is the system resourced?

Not well. Council was amalgamated with three other councils. In compliance group, believe workload has increased 2-3 fold. Resourcing doesn't reflect size and pop of new council area. Hard to get people - employees.

Within Sydney, there are a lot certifiers in the market - there's no difficulty for people in getting stuff certified. Regional NSW may be different.

Complaint system at council as well resourced as can be in local government area. Increased rate of voluntary compliance in a lot of cases. Comes at a price --> have to do a lot of administrative work while resources have been cut back.

No resourced enough.

If rely on being paid to regulate client then need to legislate a bit better than it is.

Don't think council resourced enough either.

PCs run on cadets -- pay them more than what council can.

Council has difficulty getting people/getting them to stay.

A regulatory response requires the most resources

Look for alternative models --> engagement and education to get self-compliance.

Council has limited capacity for proactive programs but does a lot of engagement and education, rewarding industry engagement.

No offering studies in how badly resourced it is. Going to be a large gap - will take a long time for newbies to gain the requisite experience.

Very poorly - VIC in particular. Failing to train enough BS. Privatisation of system has meant training not happening.

VBA funded through building levy

Rate base via councils - more emphasis on planning.

12. How do you deal with any limits in capacity (eg qualifications and experience of inspectors, number of inspectors etc)

When complaints come in, make judgment call about what to prioritise.

Large council with a high no of staff. About 6 surveyors. Resourcing isn't an issue currently - may be down the track.

Make risk assessment. Jobs prioritised based on risks. Eg, stormwater least prioritised. Pool within 24 hours, or dangerous structure within 24 hours.

Re telephone complaints -- lots of erroneous dangerous structures because questions are not posed by building but by customer service.

Resourcing from PC perspective = all short staffed. All want to do least amount of inspections and rely on certificates because prices too low.

Have used temporary planners.

Have been trying to fill co-ordinator role for 12 months - need technical qualifications.

Don't get private consultants in. Most of what C does is not time critical - people can wait.

They (council) do more enforcement - act more as a localised regulatory body.

Get in agency staff. Running with contractors. Not competitive in private sector - council paying double for external staff.

13. Does the private sector provide capacity - if so, how effective is that approach?

Yes, If areas of knowledge or skill needed that are lacking will engage consultants to deal with that. Large amount of complying stuff is going to private certifiers. Council would like to see more back.

When Council has to declare a conflict of interest.

Actually easier for council to do critical stage inspections as distance to travel is less than PCs. PCs probably have a lot more distance to cover --> waste a lot of time driving, might just rely on a photo rather than going out and inspecting. And council doesn't get paid by the hour.

300 or so PBS, larger companies. Surety of insurance companies needs to change. Its good but like in everything, good and bad. Can get cowboys. VBA doesn't have capacity to investigate and prosecute them.

Ineffective. Enforcement function requires people to be available - but not available. Private System has a lot of flaws . Cutting corners driven by fees, people know won't be scrutinised.

Charge what market can bear. Is market able to find enough inspectors?

No economic incentive to inspect more than is what required.

Most PCs don't charge separate inspection fees - it is all charged up front.

Have changed rules re direction to fix.

Used to be had a discretion to issue direction - now they MUST.

Grounds for discipline for that builder for not complying with that direction.

Also must report to VBA.

PCs always want to contract to us in quiet times. Some councils do it - not sure how it works but do get approached.

Yes effective. Example of establishing enough checks and balances so that function can be returned to public.
Correct amount of oversight.
Council has more resources to achieve compliance and not worrying about assessment.
Also economic pressures for PC - council benefit as greater for community, encouraging competition for best practice.

14. How is the system funded?

Application fees

Do CDCs

Do CCs, building certificates (PCs don't bother with these, so council do all)

Certification fees are unregulated, similar to what happens in private sector.

User pays model. Competitive fees.

Can raise some perception of conflict of interest - have code of conduct for certifiers.

Rates driven. Budgets - different funds.

PC not charging for responsibility.

Have in past been cost neutral to council.

Complaints and planning compliance not funded. Rates fill hole.

Rates and fees for assessment

Compliance assessment

Some resources for penalty infringement

Believe effective approach

Also receive state govt grants.

Council funded by rates. No money in enforcement.

Building - Planning -- fee for service.

Lodgement fees \$119 - only covers administrative cost.

Building Permit levy - VBA collects

Building dept in local govt totally funded by rates,

VBA funded through building levy

Rate base via councils - more emphasis on planning.

15. How effective is that funding approach?

Seems to be effective. Govt has increased fees for unauthorised works.

Yes. Effective. Having regulated fees means doesn't change very often and sometimes are too low. Better that the fees are unregulated.

Effective in that it opens it up to competition. Unfair that council have to advertise fees and charges online but privates do not.

Work for ratepayer and rate payer funded. Not being overly lenient or overly zealous to punish them --> balance.

Price for certification too low. Cutthroat system - not workable.

Would like to be more proactive with plumbing inspections but not funded well enough.

It's the only one. In 80s people happy to pay premium to private certifiers to get it done.

Totally ineffective.

16. What is the preferable model for funding?

Council has started to move towards self funding though fees.
Don't charge enough for fees for services.

Rates don't cover.

Council also loosing at different fees charging. Better that way as don't have to increase rates.

Council is only 3 years old. Still finding areas of improvement. Changes coming in every month. Ever-changing. At other councils the changes may be minimal.

If council having to intervene and carry out enforcement for non-compliance then there should be a fee to pay.

Should get slice of Building Permit Levy - but it is pitifully inadequate and builders often underestimate building cost.

Councils would probably like to have a slice of the building levy revenue but that would be a major change.

Building levy is low and could be increased but there are pressures to keep it low.

Other comments

Under current system there is an incentive not to pick up on mistakes.

Make PBS subject to scrutiny like government employees are - they undertake quasi government function.

Or make permit and inspection separate. Council or separate private taxi rank system.

VBA complaints will go on for years.

Biggest issue is lack of accountability when undertaking quasi govt function.

Would be good to have nationally consistent scheme..

2018 regs -

Reg 172 designed to specify what BS must inspect

Elements lightweight construction required to be fire resistant

Sole occupancy - 1 on each floor. From consultation received this was the least costly means of demonstrating that fire construction properly done. Per floor basis - gives you a degree of comfort.

In terms of when it should be carried out - left that open. BS still has to specify when but gives more flexibility.

Good that council still does plumbing

Doesn't think PC has been panacea

Issue with insurance the way it is, cladding, lots of non-conforming products.

Inspections not total panacea - multifaceted issues require multifaceted response.
BS profession is aging - could be an issue in 10-15 years

Whatever system is in place - appropriate checks and balances need to be there

Annexure 7

Extracts from Development Act and Regulations

71AA—Swimming pool safety

- (1) In this section—

new prescribed requirements means requirements imposed by regulations made for the purposes of this definition;

old prescribed requirements means the requirements of the (now repealed) *Swimming Pools (Safety) Act 1972* (as in existence immediately before the repeal of that Act);

owner of a swimming pool means—

- (a) where the swimming pool is a fixture to, or forms part of land—the owner of the land;
- (b) in any other case—the owner of the structure that constitutes the swimming pool;

prescribed event means an event or circumstance prescribed by the regulations as constituting a prescribed event for the purposes of this section;

prescribed swimming pool means a swimming pool—

- (a) approved, constructed or installed before 1 July 1993; and
- (b) formerly subject to the requirement imposed by the (now repealed) *Swimming Pools (Safety) Act 1972* to be fenced or otherwise enclosed;

swimming pool means 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 pool (but not a spa bath);

swimming pool safety features means a fence, barrier or other structure or equipment prescribed by regulation.

- (2) The regulations may require the owner of a prescribed swimming pool to ensure that swimming pool safety features are installed in accordance with the new prescribed requirements before, or on the occurrence of, a prescribed event.
- (3) Until the occurrence of a prescribed event, the owner of a prescribed swimming pool must ensure that swimming pool safety features are installed and maintained in accordance with either—
 - (a) the old prescribed requirements; or
 - (b) the new prescribed requirements.
- (4) On and after the occurrence of a prescribed event, the owner of a prescribed swimming pool must ensure that swimming pool safety features are installed and maintained in accordance with the new prescribed requirements.
- (5) The owner of a swimming pool other than a prescribed swimming pool must ensure that swimming pool safety features are installed and maintained in accordance with the new prescribed requirements.
- (6) A person who contravenes, or fails to comply with, a requirement under this section (including a requirement imposed under subsection (2)) is guilty of an offence.
Penalty: Division 4 fine.
- (7) The regulations may require a council to establish a swimming pool inspection policy that complies with any requirements prescribed by the regulations.

- (8) A regulation cannot be made under subsection (7) unless the Minister has given the LGA notice of the proposal to make a regulation under that subsection and given consideration to any submission made by the LGA within a period (of between 3 and 6 weeks) specified by the Minister.

Division 6A—Building inspection policies

71A—Building inspection policies

- (1) A council must prepare and adopt a building inspection policy.
- (2) A council must, in its building inspection policy, specify—
- (a) a level or levels of audit inspections to be carried out by the council on an annual basis with respect to building work within its area (including building work assessed by private certifiers under Part 12) involving classes of buildings prescribed by the regulations; and
 - (b) the criteria that are to apply with respect to selecting the buildings that are to be inspected under the policy.
- (3) A council may from time to time alter its building inspection policy.
- (4) A council must, when preparing its building inspection policy under subsection (2) or considering an alteration under subsection (3), take into account the following matters (and may take into account other matters):
- (a) the financial and other resources of the council, and of its local community; and
 - (b) the impact that a failure to inspect a certain number of buildings of the relevant classes over a period of time may have on its local community; and
 - (c) past practices of the council with regard to inspections and the assessment of building work in its area; and
 - (d) whether the area, or a particular part of the area, of the council is known to be subject to poor building conditions; and
 - (e) information in the possession of the council on poor building standards within its local community; and
 - (f) 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 buildings.
- (4a) A building inspection policy must comply with any regulation prescribing a minimum level of inspections to be carried out by the council on an annual basis with respect to building work within its area (including building work assessed by private certifiers under Part 12).
- (4b) A regulation under subsection (4a) may prescribe different levels for different classes of buildings.
- (4c) A regulation cannot be made under subsection (4a) unless the Minister has given the LGA notice of the proposal to make a regulation under that subsection and given consideration to any submission made by the LGA within a period (of between 3 and 6 weeks) specified by the Minister.

- (5) This section does not derogate from the operation of section 99.

Division 7—Liability

72—Negation of joint and several liability in certain cases

- (1) If—
- (a) building work is defective; and
 - (b) the defect or defects arise from the wrongful acts or defaults of two or more persons; and
 - (c) those persons would, apart from this section, be jointly and severally liable for damage or loss resulting from the defective work; and
 - (d) an action is brought against any one or more of those persons to recover damages for that damage or loss,

the court may only give judgment against a defendant, or each defendant, for such amount as may be just and equitable having regard to the extent to which the act or default of that defendant contributed to the damage or loss.

- (2) An act or default for which a person is vicariously liable will be taken to be an act or default of that person for the purposes of this section.

73—Limitation on time when action may be taken

- (1) Despite the *Limitation of Actions Act 1936*, or any other Act or law, no action for damages for economic loss or rectification costs resulting from defective building work (including an action for damages for breach of statutory duty) can be commenced more than 10 years after completion of the building work.
- (2) This section does not affect an action to recover damages for death or personal injury resulting from defective building work.
- (3) The period prescribed by subsection (1) cannot be extended.

- (c) a unit holder of a unit under the *Strata Titles Act 1988*, an owner of a community lot under the *Community Titles Act 1996* or an occupant of a unit in a building unit scheme will be taken to be the owner of any building comprising the unit or lot.

76C—Fire safety requirements—brush fences

- (1) A brush fence must not be constructed closer than 3 metres to a Class 1 or 2 building under the *Building Code* unless any external wall of the relevant building that will, as a result of the construction of the brush fence, be closer than 3 metres to the brush fence is fire resisting in accordance with the provisions of the *Building Code* relating to fire separation in respect of brush fences.
- (2) For the purposes of subregulation (1), the distance of 3 metres will be measured from any part of a proposed or existing brush fence and from any part of an external wall of the relevant building.
- (3) In this regulation—

brush means—

- (a) Broombrush (*Melaleuca uncinata*); and
- (b) any other form of dried vegetation material that has similar fire characteristics to Broombrush;

brush fence includes—

- (a) a fence that is predominantly constituted by brush;
- (b) a gate that is predominantly constituted by brush;

construction, in relation to a brush fence, includes an alteration of, or addition to, a brush fence but does not include the repair of an existing brush fence that does not enlarge or extend the brush fence;

external wall means an external wall within the meaning of the *Building Code*;

fire resisting means fire resisting within the meaning of the *Building Code*.

76D—Swimming pool safety

- (1) For the purposes of the definition of **new prescribed requirements** in section 71AA of the Act, the following requirements are prescribed:
- (a) in relation to a prescribed swimming pool—the requirements set out in *Minister's Specification SA 76D*;
- (b) in relation to a swimming pool other than a prescribed swimming pool—the requirements relating to the construction and safety of swimming pools under the *Building Code*, as in force at the time the application for a relevant consent or approval was made (being an application that related to the construction of the swimming pool or to some other form of building work where swimming pool safety features are relevant).
- (2) For the purposes of section 71AA of the Act, the transfer of title to land where a swimming pool is situated is prescribed as constituting a "prescribed event".

- (ii) comply with AS1428.1—2001 *Design for access and mobility Part 1: General requirements for access—new building work*.

- (4) In this regulation—

access provisions of the *Building Code* are the requirements within the *Building Code* relating to access to buildings, or facilities and services within buildings, for people with a disability.

80A—Modification of Building Code (disability access requirements)

- (1) The *Building Code* is, for the purposes of its adoption by these regulations, modified in its application to building work in accordance with this regulation.
- (2) A requirement of the *Building Code* relating to access to buildings, or facilities and services within buildings, for people with a disability does not apply to building work if it would cause unjustifiable hardship (within the meaning of the *Disability (Access to Premises-Buildings) Standards 2010* made under the *Disability Discrimination Act 1992* of the Commonwealth) to comply with the requirement.

80AB—Building inspection policies

- (1) For the purposes of section 71A(2) of the Act, Class 1 and 2 buildings under the *Building Code* are prescribed.
- (2) For the purposes of section 71A(4a) of the Act, with respect to any building work involving the construction of any roof framing within the area of the council, the following minimum levels of inspection are prescribed:
 - (a) a number of inspections equal to 66% of building rules consents issued over the course of the year for building work involving the construction of any roof framing where a licensed building work contractor is responsible for the relevant building work;
 - (b) a number of inspections equal to 90% of building rules consents issued over the course of the year for building work involving the construction of roof framing where a licensed building work contractor is not responsible for the relevant building work.
- (3) All classes of buildings, other than Class 10 buildings, under the *Building Code* are prescribed under section 71A(2) of the Act for the purposes of subregulation (2).
- (4) A reference in subregulation (3) to Class 10 buildings does not include a Class 10 building that is attached to any part of the roof framing of a building of another class.
- (5) In this regulation—
roof framing has the same meaning as in regulation 74.

80ABA—Fire safety relating to existing class 2 to 9 buildings

Pursuant to section 7(3)(b) of the Act, section 71 of the Act applies in relation to an existing class 2 to class 9 building as if it were modified as follows:

- (a) insert after subsection (2):

Annexure 8

Table of SA council data (all 67 councils)

| Council | Total Land area of Council (ha) (2017 ABS data) | Population (2017 ABS data) | Number of Development applications lodged (2017/18) | Number of Approvals (2017/18) | Number of BRC granted (2017/18) | Total Number of Development fees (\$) (2017/18) | Number of Inspections per year (2017/18 data) | non-compliance identified each year (2017/18) | Total Budget 2018/19 | Total Rates Revenue 2018/19 |
|---|---|----------------------------|---|-------------------------------|---------------------------------|---|---|---|----------------------|-----------------------------|
| Adelaide City Council | 1,557.30 | 24,193 | 917 | 702 | 254 | \$294,186 | 357 | 2 | 230,200,000 | 98,900,000 |
| Adelaide Hills Council | 79,449.60 | 39,652 | 852 | 916 | 859 | \$381,908 | 125 | 79 | 44,270,000 | 37,101,000 |
| Adelaide Plains Council (Mallala) | 93,249.10 | 8,983 | 0 | 0 | 0 | | 0 | 0 | 11,477,505 | 9,068,000 |
| Alexandrina Council | 182,680.70 | 26,792 | 713 | 638 | 856 | 354,801 | 234 | 48 | 46,673,000 | 39,430,000 |
| The Barossa Council | 89,354.20 | 24,482 | 763 | 563 | 349 | 138,836 | 63 | 14 | 37,188,000 | 30,122,000 |
| Barunga West Council | 159,038.90 | 2,568 | 0 | 0 | 0 | 0 | 0 | 0 | 5,977,830 | 4,708,380 |
| The Berri Barmera Council | 47,619.60 | 10,841 | 159 | 133 | 145 | 49,777 | 45 | 0 | 16,893,004 | 12,113,183 |
| City of Burnside | 2,751.80 | 45,491 | 945 | 940 | 625 | 46,501 | 343 | 0 | 46,741,000 | 39,177,000 |
| The Corporation of the City of Campbelltown | 2,434.90 | 51,165 | 973 | 909 | 860 | 406,497 | 1042 | 68 | 48,573,711 | 37,876,411 |
| The District Council of Ceduna | 542,034.40 | 3,549 | 82 | 54 | 50 | 1,277,715 | 46 | 0 | 8,526,000 | 5,567,000 |
| Charles Sturt, City of | 5,478.80 | 116,009 | 2,341 | 2,230 | 2044 | 868,761 | 1550 | 646 | 120,912,000 | 105,991,000 |
| Clare and Gilbert Valleys Council | 189,244.70 | 9,317 | 213 | 190 | 263 | 86,753 | 64 | 10 | 16,750,000 | 13,107,000 |
| The District Council of Cleve | 501,884.80 | 1,820 | 45 | 45 | 44 | 19304 | 44 | 0 | 5,915,000 | 3,407,000 |
| District Council of Coober Pedy | 7,768 | 1,837 | 0 | 0 | 0 | 0 | 0 | 0 | 16,784,000 | 2,147,000 |
| The Coorong District Council | 883,345.30 | 5,479 | 199 | 184 | 6 | 63,993 | 198 | 42 | 14,490,000 | 9,477,000 |
| Copper Coast Council | 77,291.50 | 14,652 | 565 | 370 | 534 | 129,488 | 76 | 18 | 28,708,000 | 22,270,000 |
| The District Council of Elliston | 674,193.20 | 1,054 | 14 | 22 | 32 | 2,243 | 0 | 0 | 4,560,000 | 2,340,000 |
| The Flinders Ranges Council | 407,048.30 | 1,689 | 62 | 58 | 57 | 920,567 | 0 | 0 | 4,645,200 | 2,340,000 |
| The District Council of Franklin Harbour | 275,556.40 | 1,322 | 40 | 42 | 48 | 687 | 0 | 0 | 3,327,164 | 1,225,221 |
| Town of Gawler | 4,113.80 | 23,702 | 611 | 493 | 235 | 178,574 | 87 | 13 | 27,848,000 | 22,471,000 |
| Regional Council of Goyder | 671,514.20 | 4,240 | 0 | 0 | 0 | 0 | 0 | 0 | 11,871,773 | 5,766,723 |
| District Council of Grant | 189,801.40 | 8,483 | 237 | 189 | 209 | 87,467 | 22 | 0 | 14,575,537 | 9,639,640 |
| City of Holdfast Bay | 1,375.20 | 36,671 | 936 | 842 | 340 | 193,960 | 49 | 3 | 77,090,000 | 36,090,000 |
| Kangaroo Island Council | 440,085.60 | 4,877 | 150 | 96 | 132 | 76,918 | 156 | 1 | 12,905,000 | 9,055,000 |
| The District Council of Karoonda East Murray | 441,579.60 | 1,126 | 0 | 0 | 0 | 0 | 0 | 0 | 3,597,993 | 1,551,747 |
| The District Council of Kimba | 569,710.80 | 1,074 | 30 | 30 | 5 | 11,664 | 11 | 0 | 3,835,000 | 1,816,000 |
| Kingston District Council | 333,979.50 | 2,406 | 45 | 44 | 56 | 30,912 | 14 | 0 | 7,192,000 | 4,654,000 |
| Light Regional Council | 127,684.50 | 15,219 | 470 | 418 | 268 | 124,049 | 378 | 0 | 22,838,359 | 20,185,440 |
| District Council of Lower Eyre Peninsula | 472,128.80 | 5,721 | 212 | 188 | 185 | 72,463 | 29 | 0 | 11,647,450 | 7,430,000 |
| District Council of Loxton Waikerie | 776,392.30 | 11,745 | 0 | 0 | 0 | 0 | 0 | 0 | 22,526,000 | 13,288,000 |
| The Corporation of the City of Marion | 5,564.10 | 91,391 | 2,055 | 1,826 | 739 | 587,856 | 1164 | 425 | 92,593,000 | 77,173,000 |
| Mid Murray Council | 627,162.50 | 8,884 | 299 | 264 | 382 | 136,869 | 434 | 70 | 19,513,000 | 14,770,000 |
| City of Mitcham | 7,554.70 | 66,834 | 1439 | 1499 | 566 | 376,719 | 543 | 181 | 61,762,000 | 54,187,000 |
| Mount Barker District Council | 59,464.10 | 34,727 | 1301 | 1224 | 1193 | 441,213 | 925 | 38 | 47,391,000 | 33,371,000 |
| City of Mount Gambier | 3,389.40 | 27,036 | 390 | 386 | 387 | 216,026 | 195 | 3 | 30,525,000 | 21,444,000 |
| The District Council of Mount Remarkable | 342,277.30 | 2,902 | 97 | 35 | 77 | 42,558 | 30 | 3 | 7,538,000 | 3,779,000 |
| Rural City of Murray Bridge | 183,176 | 21,836 | 461 | 478 | 454 | 216,350 | 165 | 26 | 37,697,000 | 24,669,000 |
| Naracoorte Lucindale Council | 452,012.70 | 8,552 | 122 | 104 | 145 | 0 | 81 | 0 | 18,445,000 | 12,263,000 |
| Northern Areas Council | 298,618.20 | 4,607 | 17 | 16 | 100 | 3,543 | 45 | 0 | 11,550,831 | 8,374,100 |
| The Corporation of the City of Norwood Payneham & St Peters | 1,510.40 | 36,553 | 930 | 885 | 228 | 273,685 | 218 | 37 | 43,626,000 | 34,733,000 |
| City of Onkaparinga | 51,812.50 | 170,404 | 939 | 1666 | 1503 | 1,141,835 | 747 | 240 | 170,589,392? | 136,862,905 |
| District Council of Orroroo/Carrieton | 332,182.40 | 896 | 19 | 20 | 18 | 12,185 | 0 | 0 | 3,041,000 | 1,188,000 |
| District Council of Peterborough | 302,014.20 | 1,721 | 33 | 20 | 15 | 14,794 | 10 | 1 | 4,550,913 | 1,953,736 |
| City of Playford | 34,520.30 | 92,066 | 1049 | 1085 | 447 | 271,955 | 760 | 938 (?) | 102,860,000 | 78,196,000 |
| City of Port Adelaide Enfield | 9,175.90 | 124,818 | 3211 | 2900 | 1836 | 818,797 | 873 | 54 | 118,344,400 | 101,383,000 |
| The Corporation of the City of Port Augusta | 119,558.40 | 14,267 | 223 | 167 | 101 | 78,426 | 35 | 3 | 29,265,100 | 19,416,500 |
| City of Port Lincoln | 3,036.80 | 14,592 | 229 | 144 | 200 | 82,627 | 102 | 0 | 20,251,337 | 14,583,250 |
| Port Pirie Regional Council | 176,071 | 17,718 | 250 | 226 | 233 | 127,478 | 8 | 0 | 26,116,000 | 18,426,000 |
| City of Prospect | 779.2 | 21,166 | 460 | 438 | 183 | 117,878 | 91 | 0 | 23,936,000 | 20,932,000 |
| Renmark Paringa Council | 91,586.60 | 9,850 | 207 | 159 | 208 | 124,665 | 5 | 2 | 13,665,000 | 9,043,000 |
| The District Council of Robe | 109,171.60 | 1,422 | 0 | 0 | 0 | 0 | 0 | 0 | 6,852,000 | 5,184,000 |
| Municipal Council of Roxby Downs | 11,047.60 | 4,010 | 24 | 26 | 24 | 22,866 | 48 | 34 | 17,166,000 | 5,474,000 |
| City of Salisbury | 15,984.30 | 141,484 | 1554 | 1415 | 1161 | 397,614 | 787 | 162 | 118,372,000 | 97,693,000 |
| Southern Mallee District Council | 570,221 | 2,070 | 45 | 45 | 50 | 29,564 | 0 | 0 | 7,198,000 | 4,219,000 |
| The District Council of Streaky Bay | 622,285.90 | 2,181 | 68 | 52 | 51 | 25,649 | 0 | 0 | 8,926,034 | 3,956,479 |
| The District Council of Tatiara | 652,720.80 | 6,773 | 84 | 93 | 107 | 39,108 | 22 | 1 | 20,355,462 | 8,674,922? |
| City of Tea Tree Gully | 9,521.10 | 99,405 | 1,900 | 1,878 | 1575 | 454,552 | 496 | 154 | 92,325,000 | 78,725,000 |
| The District Council of Tumby Bay | 266,907.50 | 2,688 | 61 | 61 | 61 | 26959 | 55 | 0 | 6,120,200 | 5,033,100 |
| The Corporation of the City of Unley | 1,427 | 39,083 | 972 | 779 | 277 | 228,133 | 444 | 86 | 45,634,000 | 41,216,000 |
| City of Victor Harbor | 38,462.60 | 15,113 | 572 | 386 | 538 | 131,028 | 349 | 66 | 26,866,000 | 21,849,000 |
| Wakefield Regional Council | 346,848.80 | 6,919 | 200 | 164 | 193 | 91,440 | 70 | 6 | 12,997,093 | 8,304,238 |
| The Corporation of the Town of Walkerville | 353 | 7,859 | 231 | 147 | 180 | 97,210 | 67 | 21 | 9,628,000 | 8,407,000 |
| Wattle Range Council | 392,632.30 | 12,026 | 304 | 250 | 225 | 109,247 | 0 | 0 | 24,583,000 | 18,557,000 |
| City of West Torrens | 3,704 | 59,550 | 2268 | 1492 | 1286 | 487,526 | 461 | 114 | 65,499,569 | 52,332,440 |
| The Corporation of the City of Whyalla | 107,161 | 22,007 | 204 | 151 | 205 | 49,267 | 26 | 21 | 31,031,000 | 15,900,000 |
| Wudinna District Council | 507,527.80 | 1,292 | 14 | 10 | 6 | 1,814 | 0 | 0 | 8,658,999 | 2,063,017 |
| The District Council of Yankalilla | 75,125.80 | 5,401 | 291 | 174 | 268 | 104,207 | 106 | 0 | 15,099,000 | 12,598,000 |
| Yorke Peninsula Council | 589,960.80 | 11,303 | 0 | 0 | 0 | 0 | 0 | 0 | 30,242,000 | 22,983,000 |

Annexure 9

Resources and workload table

| | Adelaide City | Berri Barmera | Burnside | Charles Sturt | Holdfast Bay | Marion | Mitcham | Mount Barker | Mount Gambier | Naracoorte Lucindale | NPS | Onkaparinga | Playford | Tea Tree Gully | Victor Harbour | West Torrens | Kangaroo Island | Murray Bridge |
|--|---|--|---|---|--|--|--|--|--|--|---|--|--|--|--|--|-------------------------------------|--|
| Total Development Application Fees | \$77,319 (*note DPTI answer 2017/18 \$294,186) | 127593.3 (*note DPTI answer 2017/18 \$49,777) | \$46,501 | \$462,767,347.36 (*note DPTI answer 2017/18 \$868,761) | \$215,000 (*note DPTI answer 2017/18 \$193,960) | \$857,790 (*note DPTI answer 2017/18 \$587,856) | \$376,724.30 (excl lodgements fees) (*note DPTI answer 2017/18 \$376,719) | \$441,213 (DPTI Data) | \$47,052,942 (*note DPTI answer 2017/18 \$216,026) | No data | \$358,331 (*note DPTI answer 2017/18 \$273,685) | \$431,664 (*note DPTI answer 2017/18 \$1,141,835) | \$743,795.05 (*note DPTI answer 2017/18 \$271,955) | \$454,552 (DPTI Data) | \$131,028 (DPTI Data) | \$223,364,809.29 (*note DPTI answer 2017/18 487,526) | \$76,918 (DPTI data) | \$293,801 (*note DPTI answer 2017/18 216,350) |
| Number of Approvals for Building Works | 378 (*note DPTI answer 2017/18 254) | 145 | 878 (*note DPTI answer 2017/18 625) | 2031 (*note DPTI answer 2017/18 2044) | 553 (*note DPTI answer 2017/18 340) | 1593 (*note DPTI answer 2017/18 739) | 566 | 1193 (DPTI Data) | 389 (*note DPTI answer 2017/18 387) | 113 (*note DPTI answer 2017/18 145) | 750 (*note DPTI answer 2017/18 228) | 3188 (*note DPTI answer 2017/18 1503) | 1435 (*note DPTI answer 2017/18 447) | 1574 (*note DPTI answer 2017/18 1575) | 538 (DPTI Data) | 1188 (*note DPTI answer 2017/18 1286) | 132 (DPTI Data) | 420 (*note DPTI answer 2017/18 454) |
| Number of inspections by Council | 215 (*note DPTI answer 2017/18 357) | 45 (DPTI Data) | 343 (DPTI Data) | 1640 (*note DPTI answer 2017/18 1550) | 576 (*note DPTI answer 2017/18 49) | 971.25 (*2015-2018 total 3885 divided by 4) (*note \$164 DPTI Data 2017/18) | 383 543 (*note DPTI answer 2017/18) | 908 (*note DPTI answer 2017/18 925) | 254.75 (*2015-18 total 1019 divided by 4) (*note DPTI answer 2017/18 195) | 84 (*2015-18 total 336 divided by 4) 81 (DPTI Data) | 205 (*note DPTI answer 2017/18 218) | 2,246.5 (*2015-18 total 8986 divided by 4) (note DPTI answer 2017/18 747) | 648.5 (*2015-18 total 2594 divided by 4) (note DPTI answer 2017-18 760) | 878 (*note DPTI answer 2017/18 496) | 537 (*note DPTI answer 2017/18 349) | 1,314 (*2015-18 total 5256 divided by 4) (note DPTI answer 461) | 156 (DPTI Data) | 165 (DPTI Data) |
| Number of mandatory notifications received | No data | No data | *1097 in 2018 - notifications for building work | 3039 | 172 | 2012 (*2015-2018 total 8048 divided by 4) | 1328 | No data | No data | 96.75 (*2015-2018 total 387 divided by 4) | No data | 4817 | No data | 2392 | No data | 252 | No data | No data |
| What is the ratio of the number of mandatory notifications received to the number of inspections undertaken by the Council? | No data | No data | 1097 (Notifications for building work): 343 (DPTI Data) = 1: 0.31 | 3039: 1640 = 1: 0.54 | 172: 576 = 1: 3.35 | 2012: 971.25 = 1: 0.48 | 1328: 383 = 1: 0.288 | No data | No data | 96.75: 84 = 1: 0.87 | No data | 4817: 2,246.5 = 1: 0.466 | No data | 2392: 878 = 1: 0.37 | No data | 252: 1,314 = 1: 5.2 | No data | No data |
| Ratio of Number of inspections by Council to Number of Approvals for Building Rules Consent | 215: 378 = 1: 1.76 | 45 (DPTI Data): 145 = 1: 3.2 | 343 (DPTI Data): 878 = 1: 2.56 | 1640: 2031 = 1: 1.24 | 576: 553 = 1: 0.96 | 971.25: 1593 = 1: 1.64 | 383: 566 = 1: 1.48 | 908: 1193 (DPTI Data) = 1: 1.31 | 254.75: 389 = 1: 1.53 | 84: 113 = 1: 1.35 | 205: 750 = 1: 3.66 | 2,246.5 : 3,188 = 1: 1.419 | 648.5: 1,435 = 1: 2.2 | 878: 1574 = 1: 1.79 | 537: 538 (DPTI Data) = 1: 1.00 | 1,314: 1,188 = 1: 0.9 | 156: 132 = 1: 0.85 (both DPTI Data) | 165 (DPTI Data): 420 = 1: 2.5 |
| FTE | 3 | 1 | 3 | 5.2 | 0.5 | 3 | 4.4 | 2 | 2 | 1 | 2 | 8 | 5 | 5 | 2 | 4 | No data | 2 |
| Number of hours spent on inspections/ FTE | no data/3 | no data/1 | 172/3 | 1640/5.2 | 230/0.5 | 2000/3 | 1654/4.4 | no data/2 | no data/2 | no data/1 | 103/2 | 1048/8 | no data/5 | 1915/5 | 1976/2 | no data/4 | no data/no data | no data/2 |
| Inspections per day | 0.87/d | 1/wk | 1.4/d | 6.6/d | 2.3/d | 3.9/d | 1.6/d | 4.8/d | 1.03/d | 0.34/d | 0.83/d | 9.10/d | 2.6/d | 3.5/d | 2.2/d | 5.3/d | 0.6/d (3/wk) | 0.6 (3/wk) |
| 5 x BRC | 1890 | 725 | 4390 | 10,155 | 2765 | 7965 | 2830 | 5965 | 1945 | 565 | 2250 | 15940 | 7175 | 7870 | 2690 | 5940 | 660 | 2100 |
| Inspections per day at 5 inspections for every BCR | 7.6 | 2.9 | 17.8 | 41.1 | 11.2 | 32.2 | 11.5 | 24.2 | 7.9 | 2.3 | 9.1 | 64.5 | 29 | 31.9 | 10.9 | 24 | 2.7 | 8.5 |
| FTE needed at 6 inspections a day/ FTE | 1.3 | 0.5 | 3 | 7 | 2 | 5.4 | 2 | 4 | 1.3 | 0.5 | 1.5 | 10.75 | 5 | 5.3 | 2 | 4 | 0.5 | 1.42 |