

# Building and Swimming Pool Inspections Policy



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Record number	D18/58861
Responsible Manager	Team Leader Building & Compliance
Other key internal stakeholders	Director Community & Cultural Development
Last reviewed	20 February 2019
Adoption reference	Policy and Strategic Direction Committee
Resolution number	4
Previous review dates	19/4/17, 8/4/14, (Previously: Building Inspections Policy) 09/10/12, 10/04/12, 19/01/10, 10/10/06, 25/02/03, 12/06/01
Legal requirement	Section 71A of the Development Act states that Council must prepare and adopt a building inspections policy.  Regulation 76D(4a) requires Council to establish a swimming pool inspection policy.
Due date next review	2022

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## PURPOSE

The purpose of this Policy is to establish guidelines in relation to the Inspection of building work (including swimming pools) within the Council area and to assist in determining the non-mandatory notifications required and the type of audit Inspections that should be performed according to the class of the building.

## POLICY

In developing this Policy, Council has had regard to the following:

- The financial and other resources of the Council, and the local community
- The impact that a failure to inspect a certain number of buildings of the relevant classes over a period of time may have on the local community
- Past practices of the Council with regard to Inspections and the assessment of building work in its area
- Whether the area, or a particular part of the area, of the Council is known to be subject to poor building conditions
- Information in the possession of the council on poor building standards within its local community
- 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
- The minimum Inspection rates prescribed by Section 71A(4a) of Act
- Guidance provided by the Department of Planning, Transport and Infrastructure as detailed within the document 'Guide to Safer Roof Framing'.

In general, this Policy recognises that Inspections relating to personal safety (particularly life threatening concerns), building fire safety, dangerous structures and complaints will take priority over other Inspections.

Specific types of Inspections and proposed levels are identified below.

## Building Inspection Policy for Building Work

### Inspection Rates

As set out by the Regulations, Council aims to undertake a minimum number of Inspections at the following rates prescribed below.

### Buildings Involving the Construction of Roof Framing

In the case of buildings involving the construction of Roof Framing, Inspections will be performed at the following rates as prescribed within regulation 80AB(2) of the Regulations:

- A number equal to 66% of all building rules consents issued over the course of the calendar year for building work involving the construction of any Roof Framing (inclusive of building work in relation to Class 1 and 2 Buildings under the Building Code of Australia) where a licensed building work contractor is responsible for the relevant building work
- A number equal to 90% of all building rules consents issued over the course of the calendar year for building work involving the construction of any Roof Framing (inclusive of building work in

relation to Class 1 and 2 Buildings under the Building Code of Australia) where a licensed building work contractor is not responsible for the relevant building work.

Note: The Inspection requirements contained within Clause 1 includes all Class 10 Buildings under the Building Code of Australia that are attached to any part of the Roof Framing of a building of another class.

The Inspection requirements prescribed above will be performed within two (2) clear business days of Council receiving notification of completion of the work, in accordance with regulation 74 of the Development Regulations.

## Swimming Pools

As prescribed by regulation 76D of the Regulations at least 80% of Swimming Pools constructed over the course of the calendar year must be inspected within two (2) weeks of Council being notified of the completion of:

- In the case of a Swimming Pool requiring the construction of a safety fence or barrier - the construction of the safety fence or barrier; or
- In any other case - the construction of the Swimming Pool.

The remaining 20% of Swimming Pools constructed over the course of the year must be inspected within two (2) months of the council being notified of completion of:

- In the case of a Swimming Pool requiring the construction of a safety fence or barrier - the construction of the safety fence or barrier; or
- In any other case - the construction of the Swimming Pool.

## Priority Inspections

Inspections will target those buildings and construction stages as discussed below, the Inspections are rated below with Priority 1 Inspections being the highest priority and Priority 4 Inspections being the lowest priority.

### Priority 1 - Swimming Pools (upon completion of safety barriers but prior to pool being filled with water)

It is recognised that non-compliant Swimming Pools including safety fences and barriers represent a significant safety hazard to our community and the inspection of Swimming Pools including safety fences and barriers will be given high priority. Council will inspect 100% of all approved building works involving the construction of any Swimming Pools or safety barriers. Council has implemented a procedure that incorporates a proactive follow up on approved pools that may have been built but Council has not been notified of commencement or completion. Council keeps a register of all approved Swimming Pools and writes to the property owner three months after granting the approval. This is to remind the owners of their mandatory inspection requirements. If Council does not receive any correspondence within two weeks from the owner a more formal enforcement process to obtain access to the property is commenced. This process may include but not limited to sending a compliance letter, issuing a formal directions letter, cold calling at the property and sending legal correspondence. This is all undertaken with the aim to gain access to the property to determine if the Swimming Pool has been constructed and a safety barrier is in place.

The Inspection of Swimming Pools including safety fences and barriers will contribute to satisfying the audit Inspection rates prescribed earlier in this Policy.

## Priority 2 - Wall and Roof Framing - All Building Types

Non-compliant roof-frame construction may cause complete structural collapse, resulting in loss of life or serious injury. The completion of Roof Framing is a critical stage of building construction and will be given priority over other types of Inspections, with the exception of those Inspections performed on Swimming Pools.

Roof frame Inspections will target all classes of buildings involving the construction of Roof Framing, other than for free-standing Class 10 Buildings.

## Priority 3 - Other Inspection - All Building Types

Council, at its discretion, will prioritise any other Inspection in relation to any building work in respect of unauthorised building work, hazardous and dangerous structures, or special issues relating to building fire safety.

## Priority 4 - Footings, Brickwork and Completion - All Building Types

It is recognised that Inspection rates for wall and Roof Framing is largely dependent on the availability of resources and the number of mandatory notifications received by building owners or building contractors concerning this stage of construction. In such instances Council delegates will perform footing, brickwork and building completion Inspections to ensure that the minimum Inspection rates prescribed within this Policy can be satisfied.

## Inspection Criteria

Specific buildings selected for Inspection will be determined having regard to the following selection criteria:

- The potential safety risks resulting from a failure to address non-compliant building work, or failing to inspect a particular stage or aspect of a building
- The availability of Council resources to perform a particular type of Inspection
- The experience and qualifications available to Council
- Expectations of Council's customers
- The cost of undertaking Inspections
- Ability to safely perform an Inspection having regard to Council's Work Health and Safety requirements
- The reputation of builders and building contractors in relation to construction practices. In relation to this matter, based upon Council's prior experience from inspecting work carried out by particular builders, Council may choose to inspect building work carried out by builders or building contractors known for their poor construction practices or poor reputation with respect to non-compliant building work
- Whether or not the building work is being undertaken by an owner builder or registered builder
- Local environmental factors relative to the area in which the building work is being undertaken (e.g. wind speeds, flooding, poor soil conditions etc)
- The information contained within the document 'Guide to Safer Roof Framing' prepared by the Department of Planning, Transport and Infrastructure

- In relation to Roof Framing, whether or not Council has received a copy of the supervisors checklist and roof truss manufacturers checklist, and the accuracy of the information contained within those checklists
- Any other reason for which, in the professional opinion of Council's officers, the building work should be inspected.

## Notifications

In accordance with Section 59(1) of the Act, for the purposes of this Policy, the following building work notifications to Council are mandatory.

In relation to all classes of building, excluding Class 10b Buildings (Swimming Pools), one business days' notice of the following:

- The intended commencement of building work on the site
- The laying steel reinforcement for footings
- The completion of wall and Roof Framing forming part of the building work (including top and bottom chord restraints, bracing and tie-downs) (where applicable)
- The completion of brickwork (where applicable)
- The completion of the building work
- Any stage of building work where it is deemed appropriate, as determined by the assessing officer, based on experiences relating to similar circumstances.

In relation to Swimming Pools, one business days' notice of the following:

- The completion of construction of a Swimming Pool (before the pool is filled with water)
- The completion of construction of a safety fence or barrier for a Swimming Pool
- In relation to some other form of building work where Swimming Pool safety features (within the meaning of section 71AA of the Act) are relevant - the completion of that aspect or those aspects of the building work relating to the Swimming Pool safety features.

Employees will ensure that the mandatory notification requirements described above are clearly communicated to applicants through conditions and notes attached to Decision Notifications.

## Monitoring and Reporting

A report on Council's performance with respect to requirements of this Policy will be presented to Council annually, and will include as a minimum:

- Percentage and number of Inspections (including follow-up Inspections performed) having regard to the requirements of this Policy
- Percentage and number of Inspections performed per building type
- The number of sites where non-compliance was detected.

## Action taken against Non-Compliance

Regulation 74(8) prescribed penalties and expiation fees for a failure to notify Council of a prescribed stage of construction.

Any failure to comply with any requirement of this Policy will be pursued in accordance with Council's Enforcement Policy

## LEGISLATIVE FRAMEWORK

There is a legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this Policy:

### [Development Act 1993 and Development Regulations 2008](#)

Section 71A of the Act states that Council must prepare and adopt a building inspections policy while regulation 76D(4a) of the Regulations prescribes that Council must establish a swimming pool inspection policy. This Policy satisfies both of these legislative obligations.

Section 71A(4a) and (4b) of the Act requires Council to perform inspections at the minimum rates prescribed by the Regulations, for any prescribed class of building. The Regulations prescribe minimum inspection rates for swimming pools and buildings involving the construction of roof framing.

Section 59 of the Act and Regulation 74 of the Regulations provide for mandatory notification requirements for various stages of the construction process, while also allowing Council to identify additional notification requirements as it sees fit. The mandatory notification requirements relate specifically to buildings involving the construction of roof framing, and development involving the construction of a swimming pool and/or safety fence or barrier.

## Other references

Council's documents including:

- [Enforcement Policy](#)
- [Fees and Charges Register](#)

External documents including:

The [Guide to Safer Roof Framing](#) - a document prepared by the Department of Planning, Transport and Infrastructure to assist the building industry, councils and private certifiers to understand and apply the *Development (Trusses) Variation Regulations 2011* related to the design, documentation, assessment,

## STRATEGIC PLAN/POLICY

### Strategic Plan

Theme	Objective	Comments
HEALTHY AND SAFE	<i>A community where people are safe in our public places and spaces.</i>	Council's Building and Swimming Pool Inspection Policy is in place to improve the health and safety for the community, by inspecting different types of buildings at a variety of construction phases to ensure compliance with National Construction Code.
	<i>A community where people are safe during emergencies, natural disasters and during extreme climatic events, such as storms or heatwaves.</i>	
	<i>A community where people have easy access to places, spaces and services that support good health.</i>	
VIBRANT AND LIVEABLE	<i>A city that is made up of places and spaces that are appealing and easy to access.</i>	Council's Building and Swimming Pool Inspections Policy ensures that buildings are inspected for ease of access provisions and to ensure they are constructed to meet approved plans in relation to energy efficiency which makes structures resilient to climate change.
	<i>A community with a diverse range of housing to suit a variety of needs, life stages and lifestyles.</i>	
	<i>A sustainable city that has a healthy natural environment and is resilient to climate change.</i>	
	<i>A place that expresses a unique character and identity, an area that inspires pride in its residents and one that people enjoy visiting.</i>	

### City Master Plan 2011-2040

The Urban Renewal Strategy seeks to consider the aspirations in the City Master Plan for the Modbury Precinct.

Council's Building and Swimming Pool Inspections Policy allows approved development within the Modbury Precinct to be inspected for compliance against Council approved plans at various policy defined Inspection stages.

### Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. One of these themes is "Governance" which deals with how Council defines Authorised Officer powers and their responsibilities within the organisation for undertaking and recording audit building Inspections.

Authorised officers have the powers to enter property and undertake the audit building Inspections as defined in the Council's Building and Swimming Pool Inspection Policy.

## DEFINITIONS

For the purposes of this policy the following definitions apply:

### Act

Refers to the Development Act 1993.

### Regulations

Refers to the Development Regulations 2008.

### Class 1 Buildings

As defined in the Building code of Australia:

- Class 1a - A single dwelling being a detached house, or one or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit
- Class 1b - A boarding house, guest house, hostel or the like with a total area of all floors not exceeding 300m<sup>2</sup>, and where not more than 12 reside, and is not located above or below another dwelling or another Class of building other than a private garage.

Class 2 Buildings - As defined in the Building code of Australia:

- A building containing two or more sole-occupancy units each being a separate dwelling.

Class 10 Buildings - As defined in the Building code of Australia:

- A not habitable building or structure:
  - Class 10a - a private garage, carport, shed or the like
  - Class 10b - a structure being a fence, mast, antenna, retaining or free standing wall, swimming pool or the like.

### Inspection

For the purposes of this Policy, an inspection involves the visual assessment of any building work against the provisions of the Building Code of Australia, or any other associated Australian/New Zealand Standard and includes the inspection of a stage of construction, except for the inspection of wall and Roof Framing of a building, which will be classed as one stage. Any follow-up inspection of the same stage of building work will not be classed as an additional inspection.

### Portal Framing

A continuous rigid frame with a restrained joint between the column and beam. Portal frames can be used for many building types such as commercial and industrial, (e.g. a warehouse, which is a large span open area, which makes a steel portal frame a perfect option). Portal frames work where the frame acts as one structural entity where stress is distributed through the frame.

### Roof Framing

Means timber roof framing or light steel framing, including coupled and non-coupled framing and roof trusses, but does not include Portal Framing.

### Swimming Pool

Includes a spa or any development which is required to be enclosed by a compliant safety fence or barrier.



## POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

## ACCESSIBILITY

This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: [www.cttg.sa.gov.au](http://www.cttg.sa.gov.au)

Hard copies, for a fee, can be provided in accordance with Council's Fees and Charges Register at Council's Civic Centre at 571 Montague Road, Modbury SA 5092.