

Overall purpose

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

The City of West Torrens supports the focus "on occupant and life safety, and to maintain confidence and integrity in the development control system" in the Draft Council Inspections Policies Practice Direction (Draft Practice Direction). The City of West Torrens acknowledges the State Planning Commission's (SPC) position that "onsite council inspections can only ever form one aspect of a broader effect to ensure the delivery of safe, high quality buildings".

Inspection levels and capacity

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

The proposed minimum inspection levels for Class 1a (domestic dwellings) is the same as the existing *Development Regulations 2008* requirements. Overall, the retention of this approach is supported.

The City of West Torrens seeks clarification of whether the proportion of developments to be inspected to achieve compliance with the Draft Practice Direction is a proportion of notifications received, consents issued, developments commenced or developments completed. In relation to the requirement for 100% of Class 1b-9 buildings to be inspected, it is noted that based on current practice and resourcing this minimum level is may be difficult to achieve compliance as not all consents proceed to development construction and not all applicants submit notifications of commencement of building work (even if councils proactively follow up).

The Background Paper seeks that for larger commercial inspections, council inspectors should "draw a conclusion on the overall adequacy" (emphasis added). It is suggested that a single inspection can only result in conclusions on the aspects inspected rather than the "overall adequacy". For example not all fire safety elements can be reasonably inspected at completion as some fire safety elements will not be visible at that stage, rather this may take multiple inspections. It is suggested that the Draft Practice Direction instead require inspections to identify "any obvious defect or deficiency" rather than make a conclusion on "overall adequacy".

It is noted that the Draft Practice Direction requires completion inspections to be undertaken within 1 business day of receipt of the completed Statement of Compliance. This timeframe may not be practical as council does not control when Statement of Compliances are received and does not enable council to adequately manage its resources.

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

The City of West Torrens is currently resourced to undertake the level of inspections set out in the City of West Torrens Building and Swimming Pool Inspection Council Policy. The Draft Practice Direction substantially increases the number of mandatory inspections required to be undertaken of commercial buildings. Also, it is acknowledged that Class 1b-9 (commercial and public building) inspections are generally more complex and time intensive inspections than Class 1a (domestic dwelling) inspections, may require multiple inspections and more complex follow up due to the number of stakeholders involved.

The City of West Torrens currently has 3 qualified building surveying officers (including team leader) who undertake building assessments and inspections. The City of West Torrens will likely require

additional qualified building surveying and administration resources in order to ensure compliance with the regime set out in the Draft Practice Direction.

Currently there is no direct cost recovery for Council's current building inspection regime through the planning system. The City of West Torrens seeks the statutory fees for development assessments and inspections to be broadened to include inspection costs. A user-pays system is considered to be a fairer approach rather than be funded by Council ratepayers.

Mandatory inspections often result in the need for Council to undertake repeat inspections and subsequent legal compliance action (formal or otherwise) if non-compliance is identified. If Council does not undertake this work, the background paper suggests that Council may be liable if there are issues in the future. It is recommended that the cost recovery model for building inspections also account for this legal compliance work undertaken by councils.

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

As previously raised in response to Question 2, the requirement to inspect 100% of Class 1b-9 buildings is not practical and it is suggested that an 80% benchmark would be more appropriate as a transition phase and would continue to achieve an appropriate 'audit' of buildings in accordance with the objective of the Draft Practice Direction.

It is noted that the City of West Torrens is not likely to be the only council that will require additional resources to achieve the minimum inspection levels required by the Draft Practice Direction. There may be a broader capacity issue within the building surveying profession in South Australia to fulfil these roles. Already recruitment for building surveying roles can be challenging due to the limited pool of experienced candidates. A staged implementation over a number of years will enable the State Planning Commission to work with the councils, State Government, universities and industry bodies to expand the capacity of the building surveying profession and bring on additional staff and upskill graduates into these roles.

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

The City of West Torrens recognises that the circumstances in which "additional inspections" may be undertaken support the objective of the Draft Practice Direction and generally aligns with circumstances identified in Council's existing Building and Swimming Pool Inspection Council Policy. The City of West Torrens is concerned that the current wording of the Draft Practice Direction and associated Background Paper, in effect mandates additional inspections in all of these circumstances and that if these additional inspections are not undertaken then the council may be subject to civil liability. If this is not the intent of the Draft Practice Direction then amendments are suggested to reflect the intent that these inspections are truly additional rather than mandatory.

It is noted that regulation 93(1)(d) of the *Planning, Development and Infrastructure Regulations* allows private certifiers to specify mandatory notification stages when giving a building consent. It is unclear, given the statements in the Draft Practice Direction and Background Paper, whether the private certifier specifying additional stages of inspection creates any obligation on council to undertake inspections at those specific stages. It is noted that this may encourage the practice of private certifiers specifying many stages for council to inspect and raises a question of whether this would have any implications for council's liability if councils chose not to undertake inspections at each of the stages specified by the certifier.

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

The City of West Torrens as a practice currently undertakes all pool inspections within two weeks of notification and supports reducing the timeframe for all pool inspections to be undertaken within 2 weeks rather than 2 months. However measuring the timeframe as within two weeks of "completion" rather than two weeks of "notification" is not practical and not reasonable to hold councils to this standard if the landowner does not notify council of completion. The City of West Torrens supports all swimming pool inspections being required to be undertaken within 2 weeks of notification. In addition to current statutory requirements, the City of West Torrens undertakes an annual audit of approved swimming pools to identify any constructed pools where the landowner has not notified Council.

It is noted that "Advisory Notice Building 07/13: Technical: Swimming pool safety: Council inspections of new swimming pools" states that "Councils will not be required to inspect temporary barriers, as it is recognised that the council or private certifier would not have conducted an assessment of the temporary barrier." The City of West Torrens seeks that this existing practice is confirmed.

Who may inspect

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

The City of West Torrens considers it appropriate that councils are able to determine how to resource and allocate the undertaking of inspections.

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

The City of West Torrens notes that there is nothing preventing this from occurring under the current *Development Act 1993* system, but acknowledges there may be a conflict of interest.

It is also noted that currently some private certifiers are having issues obtaining insurance to undertake certain assessment and inspection activities across Australia. Any private certifier appointed as an authorised officer as a consultant rather than an employee will be operating under their own insurance rather than the Local Government Mutual Liability Scheme. Therefore this may not work if insurers are hesitant to issue professional indemnity insurance for inspection activities.

Statements

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

The City of West Torrens suggests that if the roof truss checklist requirement is reintroduced then an publicly available and up-to-date database of Licenced Roof Truss Supervisors is made available to facilitate council staff to cross check all checklists received against the database.

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

The City of West Torrens notes that there is not any specialised licencing or training currently required for this type of building work, unlike roof trusses.

Process

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

It is understood that inspections are excluded from the scope of the ePlanning Portal. City of West Torrens is concerned that this will result in additional costs for councils that will be required to upgrade and maintain existing IT systems which could have otherwise been retired with the introduction of the ePlanning Portal. The City of West Torrens seeks the inclusion of inspections in the ePlanning Portal at the earliest possible time.

It is requested that the ePlanning Portal include the appropriate information analysis tools to calculate the number of required inspections to be undertaken across the council area. This will enable councils to track their progress against the required minimum inspection levels.

The City of West Torrens suggests that any mandatory notifications set by certifiers at building rules consent stage are automatically added to the final development approval issued by Council through the Planning Portal. The Portal provides an excellent opportunity to streamline administrative processes such as this.

Other matters

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

The City of West Torrens welcomes the opportunity to discuss the matters raised in this submission further with representatives of the State Planning Commission.