



Ref: 3/CON/SUR/1/MM

18 December 2019

Department of Planning, Transport & Infrastructure
Building Branch
GPO Box 1815
ADELAIDE SA 5001

Via email DPTI.PDBuildingBranch@sa.gov.au

Dear Sir/Madam,

Draft Building Inspection Policy Submission

In reference to the DPTI draft building inspection policy, the Mid Murray Council Building Staff provide the following comments for consideration and in particular, to highlight the implications this proposal may have on regional Councils.

It is acknowledged that the overall purpose of undertaking building inspections is to ensure occupant and life safety. However, it is important to note that Building Surveyors play an integral role in also ensuring structural adequacy meets National Construction Code (NCC) requirements during approval and building phases.

1. The Commission's Legislative responsibilities

1.1 Resourcing

The Shergold Weir report Recommendation 18 recommends that building inspection levels be increased while acknowledging the resourcing issues in having suitably qualified Building Surveyors available to undertake this requirement.

Suitably qualified staff resources in both private and Council sectors are of concern, particularly in the regional areas. The new accreditation scheme of a Level 4 Building Inspector assists in this process however, regional Councils require Building Surveyors to fulfil all responsibilities under the Act. Therefore, in many instances it is not suitable to employ a Level 4 Building Inspector to assist with inspections. A cohesive approach needs to be undertaken to promote and grow the Building Surveying profession in order to address this issue and enable inspection levels to be adequately achieved. Recommend that an entry level be created to enable licenced builders (or the like) to undertake training to up skill in lieu of enforcing degree qualifications.

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1.2 Financial Implications

It is appreciated that charging building inspection fees is not desired by the building industry as it is likely this cost shall be passed onto the consumer, however the expense to Councils is a significant issue and needs consideration. Currently, in South Australia an applicant who lodges a Wastewater Application is required to pay for a set number of inspections to be undertaken by Council. Therefore, the industry is already paying for some inspections and this needs to be consistent across all aspects of development.

2. Minimum Requirements

The draft policy outlines the minimum mandatory inspection requirements that Councils must comply with. The report also suggests that Council can choose to do additional inspections, however, if inspections are not mandatory then it is unlikely the Council will do more inspections than the minimum requirement, unless the financial implications are offset.

3. Limitations of the Practice Direction

Prior to the *Development Act 1993* Councils had strong traditions and culture to undertake most inspections within their Council area, given Councils were highly resourced with Building Inspectors/Surveyors. The introduction of the *Development Act 1993* changed the requirement for inspections in lieu of self certification (i.e. receipt of Statement of Compliance) and severely caused change in resources as the Act focused more on planning requirements. The government soon realised that this process was ineffective and reintroduced inspections without ensuring relevant resources were available. The proposed system is again relying on self certification which has already proven to be ineffective. Also, it should be noted that in 2002, DTPI released a draft building inspection guidelines which were never finalised.

4. Independent Reports

The independent report shows a lack of understanding for the diversified role of a Building Surveyor and therefore this has not been taken into consideration as part of this submission.

Details of the Building Committee's reports have not been included as part of the consultation documentation. It is recommended that these be provided to ensure transparency which is a key element of the planning and building reforms.

5. Inspection Policy Structure

Agree, fire safety is important however, structural adequacy also impacts on occupant and life safety. It is recommended that structural inspections remain as mandatory inspections as these are essential elements of the building that impact on occupant and public safety as proven in the Riverside Golf Club truss failure and recent structural failures interstate.

6. Inspection Policy

A uniform and consistent approach is required by Councils when nominating inspections for the building industry and owner builders. To have Councils determine what inspection/s will be undertaken per Development Approval will provide confusion in the industry. Recommend that mandatory inspections be set per type (i.e. footings, framing etc.) and percentages vary dependant on the Council resources. This will enable a variety of inspections to be undertaken and also create a level of consistency for the sector.

The proposed building inspection policy for domestic dwellings requires one inspection per 66% Development Approvals except where clause (b) applies. The Mid Murray Council area has a large portion of development on the river resulting in elevated dwellings with balustrades. This requirement would result in Council undertaking mainly final inspections. Balustrading is connected to the structural elements of the building and therefore it is recommended that the inspection of structural elements (i.e. footings, framing etc.) remain.

Timeframe for inspections to be carried out, it is recommended that the one business day requirement be increased to enable regional Councils with large areas and low resources to adequately inspect.

Statement of Compliance – a builder has 10 days to submit the Statement of Compliance however Councils are given one day to undertake an inspection upon receipt. Recommend that the one business day requirement be increased to enable regional Councils with large areas and low resources to adequately inspect.

Tables 3 and 4 – recommend merging the two tables for simplicity.

Table 2 – refers to commercial buildings including Class 7B farm buildings. Regional Councils approve many farm buildings which are of low risk to the public and occupants. Recommend farm buildings be removed from requiring inspection requirements.

Commercial buildings can be of a high risk regardless of the size and therefore recommend mandatory structural inspections remain.

7. Supervisors Checklist

Building industry has spent considerable resources in being upskilled to complete the required supervisors checklists which resulted as a part of the truss force review and is now being removed. No basis for the removal of the checklist has been given and therefore it is recommended that this remain until a review has been completed particularly if self certification is the intent of the draft inspection policy.

8. Certificate of Occupancy

No rationale has been provided for the introduction of a Certificate of Occupancy for dwellings. This shall be an administrative and technical resource burden which takes away from important structural inspections with little benefit to the end user, particularly as there is no requirement to inspect.

A Private Certifier can issue a Certificate of Occupancy without being aware that there may be outstanding defect matters from inspections that Council are still managing.

9. Liability

Where a Private Certifier recommends an inspection stage and Council choose not to include this as part of their mandatory inspections who would be liable if there was a failure?

Where a Private Certifier recommends an inspection and Council are unable to inspect as they do not have the required resources again who is liable?

10. Appointment of Officers under r112

The amended accreditation scheme is limiting Level 3 Building Surveyors who currently inspect commercial buildings up to 500m2. The draft inspection policy has increased inspection requirements across commercial buildings but by removing accredited officers, current abilities will have a damaging impact on regional Councils. Level 3 Building Surveyors who have been performing this function should be grandfathered across under the new scheme.

It is not appropriate for Mid Murray Council to appoint external resources to undertake inspections as this is cost prohibitive and the inspection time frames for inspections provides technical challenges. For example, Council may get ten inspections one day and nothing for the remainder of the week, how does a Council employ a Level 4 or Private Certifier on a causal basis to undertake inspections with one days notice

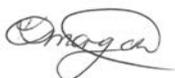
11. Self Certification

Collecting paperwork is not the role of a Building Surveyor and does not meet the objectives of the PDI Act. Consumers expect Councils to undertake inspections to assist in complaints on building matters and provide advice. The Shergold Weir Report has clearly highlighted the need for more inspections to be undertaken.

The draft inspection policy appears to be based around metro Councils with little consideration given to regional Councils as required by S144(3).

I thank you for your consideration of the above comments and please do not hesitate to contact me via either telephone on [REDACTED] or via email at [REDACTED] to discuss this matter further.

Yours faithfully,



Kirsty Morgan
Manager – Environmental Services

cc. Stephen Smith – Director, Policy
Local Government Association
[REDACTED]