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Department of Planning Transport and Infrastructure  
GPO Box 1815  
ADELAIDE SA 5001

Dear Sir/Madam

### **City Of Charles Sturt Comment On The Draft Practice Direction - Council Inspection Policies**

Thank you for providing opportunity to comment on the draft Practice Direction – Council Inspection Policies.

It is our understanding that the aim of this Practice Direction for Council Inspection Policies is to undertake inspections so as to:

- (a) provide for occupant and public safety; and
- (b) maintain confidence and integrity in the development control system.

It also states that a council must take all reasonable steps to ensure that each inspection carried out under this practice direction includes an inspection and assessment of the adequacy of each of the following elements, as may be present:

- (a) primary structural elements;
- (b) structural framing and roof trusses;
- (c) balustrades;
- (d) cladding;
- (e) egress provisions;
- (f) bushfire protection systems;
- (g) passive and active fire safety elements;
- (h) private bushfire shelters; and
- (i) performance solutions.

To achieve this there is a clear need to inspect construction at various stages to ensure critical structural elements are being delivered in a suitable form to achieve private and public safety. Further, there needs to be enough checks to ensure initial approvals are actually delivered otherwise this will not maintain confidence in the integrity of the development control system. The industry itself has not been a sound self-regulator and the certificates provided by many other individuals such as builders and engineers have falsely indicated that the building was undertaken in accordance with the approval when we have also inspected and identified errors in our experience.



Council holds concern that the current practice direction for inspection sets a low minimum level of inspection being at least one inspection of the development which is mandated either for any stage of construction or on completion except for small scale commercial or public buildings which is only on completion.

One inspection during the construction work process is not enough. The City of Charles Sturt, for the last nine years, have required builders/building owners to notify at the following stages

- the start of the construction/footings;
- the wall and roof framing prior to installing insulation and lining;
- Fire wall completion prior to installing insulation and lining
- Masonry prior to installing installation and lining
- Final completion of building

Our experience is that it is extremely important to inspect during multiple stages of construction as there are regularly errors to the construction or amendment to the work without approval that need to be addressed at each of these inspections. For example, inspecting the footings prior to pouring the concrete is important as it is often found that elements of the steel work and chairs are omitted, even with the engineer certifying that it was properly completed. During this inspection it is possible to check not only the footing layout but also the front, side and rear set back, the finished floor levels as well as the building related issues. Although the number of instructions issued from the footing inspections are less than at for example the framing stage, if a problem is discovered it can be rectified far easier prior to the concrete pour than after the pour. It should not be acceptable to just inspect on completion when none of the structural elements are able to be reviewed.

A further area of concern for Council currently is the number of fire walls that have not been installed as per the manufacturers design details therefore not achieving appropriate fire separation. These therefore require follow up inspections to ensure the walls achieve the required level of fire rating.

Another issue we have is the number of swimming pools and spas that have been issued instructions and therefore require re-inspection. Typically, 50% of swimming pools/spas inspected require rectification works and follow up inspections, primarily in relation to the pool safety features. It is understood that this will be the subject of a separate consultation process.

Return inspections were required for 44% of the sites Council inspected in 2018/19. Most of the return inspections are for wall and roof frame problems or swimming pools. Clearly these are critical elements that requiring checking as they are fundamental to the adequacy of the structure and occupant safety. The policy should require an inspection of multiple stages of construction and not leave it to the discretion of the relevant council to set a policy for more than minimum inspections to ensure there is consistent review across the state.

There is some confusion about the intent of table one in relation to the number of inspections and timing of these due to the wording of part (a). Is the intent with this provision that the site be inspected during one stage of construction and on completion when part (b) applies or does part (b) mean an inspection is only required on completion? If it is intended to be advocating for two inspections, then it would be better written as follows;

- (a) Inspection must be carried out any time during construction; and
- (b) If the building work involves.....

**Table 1. Domestic dwellings**

The inspection requirements in Table 1 apply to building work in relation to a class 1a building under the Building Rules.

Timing of inspection	Minimum number of inspections for each relevant building	Proportion of developments in council area to be inspected
<p><b>During construction or on completion</b></p> <p>(a) Except where clause (b) applies, inspection must be carried out any time during construction.</p> <p>(b) If the building work involves:</p> <ul style="list-style-type: none"> <li>(i) passive and active fire safety elements and the building is located in a medium or high bushfire risk area; or</li> <li>(ii) balustrades; or</li> <li>(iii) performance solutions</li> </ul> <p>a council may give consideration to carrying out an inspection on completion.</p> <p>An inspection on completion must be carried out within 1 business day of receipt of the completed Statement of Compliance.</p>	At least one inspection of each relevant building.	66%

In addition to the above comment it is recommended that all tables require the following inspection stages:

**Mandatory notification of footings for all dwellings and 2-9 buildings once all steelwork is complete with the inspection of footings to be completed for 66% of all buildings within one clear business day of notification.**

**Mandatory wall and roof framing notification for all dwellings and Class 2-9 building with inspection completed on 66% of buildings within two clear business days of notification.**

**Mandatory notification of all firewalls for all dwellings and 2-9 buildings with inspection of fire walls be completed of 66% of firewalls within two clear business days of notification.**

The various tables outlining a minimum level of inspection proposed in the draft practice direction suggest that an inspection of development on completion must be undertaken within one business day of receipt of the completed Statement of Compliance. This typically comes in when a builder has completed their contracted scope of works, which in a lot of cases is not when the building work has been completed, as there are works that sit outside the builders contracted scope of work. Works that the property owner has decided to employ their own trades or do themselves will not be complete and this is typically items such as stormwater tanks, and completing the stormwater system and connections, paving etc. The buildings are in most cases at lock up and in some cases, as hand over to the new owners has occurred, it is not possible to undertake the completion inspection within one business day because access needs to be organised.

It is also noted that an owner builder doesn't issue a Statement of Completion unless they engage a site works supervisor.

**Recommended change**

**The relevant authority shall arrange an appointment with the builder/building owner to inspect the property within one clear business day of notification of full completion of the work.**

Please note that the statement of completion should not be the trigger for action on Councils part but rather just the final completion notification when all work is completed should trigger this action.

In relation to the tables for inspection of commercial building classes of a small, medium or large scale (image shown below) is the floor area nominated for each of these based on the total floor area of the building or just that associated with an addition? This needs clarification.

There is also concern about setting 100% of buildings inspected as the minimum level of inspection as this is destined for failure. A computer system failure on one day, excessive staff on sick leave or potential impacts of disaster such as fire or storm events would result in not being able to complete all inspections. The percentage should be revised.

**Table 2. Small commercial or public buildings**

The inspection requirements in Table 2 apply to building work in relation to:

- (a) a class 5, 6, 7, 8, or 9 building under the Building Rules with a floor area of 500m<sup>2</sup> or less; or
- (b) a farm building or farm shed,

under the Building Rules.

Timing of Inspection	Minimum number of inspections for each relevant building	Proportion of developments in council area to be inspected
<b>On completion</b> Inspection must be carried out within 1 business day of receipt of the completed Statement of Compliance.	At least one inspection of each relevant building.	100%

It is noted that Table 3 and 4 require the same level of inspection so there is no apparent value in having two separate tables for these.

As a general comment notification via the portal needs to come to Council in real time and the day of initiating the notification should not be counted as part of the business day for inspection.

The regulations need to specify who is responsible for giving the notice for inspection, the builder or their building supervisor, or in the case of an owner builder, the owner or the building work supervisor appointed by the owner. This is necessary to ensure any works that require addressing after inspection are advised to the relevant party and that any expiation for failing to notify is issued to the correct party.

The new framework should set a fee for each inspection that provides, as much as possible, a cost recovery approach. There are considerable workload impacts associated with this work and often many follow up inspections that are done, at present, at a cost to Council and with no real income to address this cost.

#### Conclusion

The number of instructions currently issued by CCS building surveying staff in my opinion are considerable and Council is extremely concerned about the level of mandatory building inspections proposed in the draft Practice Direction for Council Inspection Policies. There is clearly a need to inspect new development at the various stages of construction to make sure that the buildings have been constructed as per the development approved plans and associated documentation. If multiple inspections during construction are not undertaken and changes are made that have not been assessed how would one know if the building is safe?

Should you wish to discuss the content of this submission please contact Julie Vanco, Manager Planning and Development on [REDACTED] or by email at [REDACTED]

Yours faithfully



**Bruce Williams**  
General Manager City Services