



PLANNING REFORM: COUNCIL INSPECTION POLICIES - DRAFT PRACTICE DIRECTION

City of Playford Consultation Submission

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SUMMARY OF SUBMISSION

1. Clarification on terms, definitions and assumptions.
 - a. Additional inspections
 - b. Percentage of developments or of building work as notified?
2. Wording in Part 2 - (2)(2) to be revised.
3. Completion audit inspection to be undertaken within five (5) days instead of one (1).
4. The increase in inspections of commercial developments should be phased/gradually implemented.
5. Provide some clarity around resourcing for additional inspections.
6. Address concerns regarding the knowledge, skills and experience of Council building surveyors/officers to inspect complex buildings, fire systems, ESPs and performance solutions.
7. Critical for the inspection policy to be reinforced by the ePlanning Portal to give Councils a real opportunity to meet compliance rates.

GENERAL COMMENTS

The City of Playford is grateful for the opportunity to provide feedback on the Draft Practice Direction. Subject to the following comments, we are generally in support of the intent of the proposed changes to Council Inspection policy which aims to increase inspection rates and contribute to improving building occupant safety and the general integrity of the development control system.

Council is generally in support of the proposed requirement to inspect 100% of pools within 2 weeks of completion.

Given the nature and use by high volumes of people who are not familiar with the buildings, Council is generally in support of mandated inspection of Commercial developments.

Council is generally in support of the policy shift toward increased inspection concerning fire and occupant life safety.

This being said, we have also formed the position that the blanket application of the proposed inspection policy will impact peri-urban and rural Councils in a vastly different way to metropolitan Councils, and resourcing concerns have not been adequately addressed through this consultation process.

We feel that it is important to be provided with clarification on interpretations and the intent of some aspects of the Draft Practice Direction in order to consider fully the implications of the proposal.

1. CLARIFICATIONS

We seek clarification on the following concepts, phrases and definitions:

- a) Clarify intent of the “Additional inspections” definition. Are these “additional inspections” purely at the discretion of Council or intended to be mandated where additional risk exists? Councils have always battled resourcing versus criticality. The direction appears to be specifying a minimum and Councils should and will undertake additional inspections as they deem necessary.
- b) Clarify whether the inspection policy intends for inspections to be undertaken on 66% / 100% (respectively) of relevant developments or is it of building work as notified. Notification rates always have and will continue to be an insurmountable challenge for Councils and a limiting factor that should be recognised in this direction. See point 5 for further comment on this.

2. CHANGES TO WORDING IN PART 2(2)

Part 2 - 2(2): The wording “of each” suggests that each element listed in 2(2) should be inspected at any inspection undertaken under this policy. This should be changed to “of those”. The wording “as

may be present” presents a risk to Council as although a defect may be present it may not be visible. Therefore this should be changed to “as may be visible” or something to that effect.

Recommendation: Change “of each” to “of those”. Change “as may be present” to “as may be visible”.

3. COMPLETION INSPECTION TIMEFRAME

The requirement to conduct an inspection upon completion within 1 day of the completed Statement of Compliance is impractical due to the need to schedule access to premises, as well as where Council staff are unavailable due to conflicting commitments, illness or training etc.

Recommendation: An inspection upon completion is to be conducted within 5 business days of the receipt of the completed Statement of Compliance.

4. PHASED IMPLEMENTATION OF COMMERCIAL INSPECTIONS

Whilst generally in support of an increase to the inspection of commercial buildings, as explored later in this submission, the required skills, knowledge and experience of Council officers to undertake such inspections, and given the significant change from inspecting roof framing and pools to inspecting commercial buildings, it would be advisable to phase this requirement. This would allow Councils time to develop process maps, familiarise and upskill staff in preparation for this change.

Recommendation: Class 1b-9 development inspection requirements should be reduced from 100% to 80% for the first two years, and increased to 100% following the two year review.

5. FINANCIAL IMPLICATIONS

Given that the overall inspection requirements are likely to increase and thus Councils will be obliged to undertake more inspections and of a potentially more complex nature, it needs to be made clear how the additional resources required under the proposed policy are expected to be funded. If Council's are expected to resource to cover the additional requirements, and to establish working relationships with industry to assist with inspections, it is imperative that one way or the other Councils are given adequate time and information to prepare for such a change.

Recommendation:

1. An inspection fee in line with the requirements of this draft direction should be built into the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019;
or
2. The Commission provide clarity on the expectations to the contrary.

6. KNOWLEDGE, SKILLS AND EXPERIENCE

We are generally in support of Councils being able to determine who carries out inspections despite accredited professional level. This will allow Council to send a Level 2 Building Surveyor out to a large commercial building that was required to be approved by a level 1. However, the requirement for Councils to undertake an inspection upon completion of 100% of small commercial or public buildings is a significant shift in service delivery and would require the time of Council's more experienced building surveyors. Skills, knowledge and experience will be a challenge and limiting factor for Council. This will be especially so in peri-urban and metropolitan areas. An officer who is experienced in undertaking inspections of roof framing, swimming pool safety barriers, and other domestic/residential construction components is not necessarily going to be suitably experienced to inspect and enforce the compliance of Essential Safety Provisions, fire safety systems and performance solutions.

This issue is compounded on complex large commercial and residential developments. In many instances Councils do not employ a Level 1 accredited building surveyor. In many cases also, as per the BL report, Councils are not achieving the current inspection requirements relating to commercial developments. The ability for Councils to achieve increased requirements will result in more pressure and less ability to achieve inspection rates.

Recommendation: Acknowledge and allow for the transition in service provision and upskilling by accepting recommendation 4 above and stagger the commercial inspection rate.

7. COMPLIANCE

The resources required to proactively manage the completion of Class 1b-9 buildings for 3 years (timeframe to complete works) will be problematic and a poor use of already limited Council resourcing. With notification rates well below 100% for the types of developments to which this draft policy applies, how is it envisaged that Councils will inspect 100% of commercial developments?

Recommendation: The ePlanning portal needs to interact with the inspection policy to facilitate compliance and notification rates. It needs to achieve a sort of holding mechanism that requires as a minimum a notification of commencement, completion, statement of compliance and certificate of occupancy and where an application cannot progress to the next stage without the prior stage completed. Such a feature would not need to incorporate all other documentation, notifications and inspection stages as these could convolute such a feature. It need not be a complex arrangement but will play a pivotal role in making this policy achievable.

CLOSING COMMENTS

Although this Practice Direction is an improvement on the current building inspection regime; its shortcomings are a result of a broken building control system. If the State Government is committed to addressing the recommendations of the Shergold Weir Building Confidence Report, genuine building reform in South Australia is required. At a very minimum, the recommendations of this submission should be taken and a review of the inspection policy should be undertaken within 2 years of adoption to assess its impact, functionality and suitability.

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