



Building & Swimming Pool Inspections Policy

1. Policy Statement

This Policy, in relation to building work, is mandatory under Sections 71A(1) of the *Development Act 1993* (“the Act”).

In relation to swimming pools, this Policy is mandatory under Section 71AA(7) of the Act and Regulation 76D(4a) of the *Development Regulations 2008* (“the Regulations”).

This Policy does not apply to the appropriate authority constituted under Section 71(19) of the Act, commonly known as the Building Fire Safety Committee, nor does it apply to an inspection under Section 71(1) of the Act.

In accordance with Section 71A(4) of the Act, this Policy has been prepared taking the following matters into account:

- (a) The financial and other resources of the council, and of its local community; and
- (b) The impact that a failure to inspect a certain number of buildings of the relevant classes over a period of time may have on its local community; and
- (c) Past practices of the council with regard to inspections and the assessment of building work in its area; and
- (d) Whether the area, or a particular part of the area, of the council is known to be subject to poor building conditions; and
- (e) Information in the possession of the council on poor building standards within its local community; and
- (f) 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.

In relation to swimming pools, this Policy acknowledges the serious risk to life safety (particularly for young children) posed by swimming pools which lack the swimming pool safety features required by the Development Act and Regulations.

2. Scope

The Council is committed to providing its community with a safe built environment and will inspect building work in accordance with this Policy.

The Council is empowered by the Act to inspect building work (including swimming pools) within its area. Such inspections aim to:

- 1. Detect building work which does not accord with a development approval (or exemption);

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2. Detect building work or practices which do not accord with the requirements of the Act;
3. Detect buildings and building work which are unsafe; and
4. Gather the evidence necessary (a) to correct situations 1, 2 and 3 above, and (b) to punish those responsible.

This Policy seeks to improve the standard of construction work within the Council's area and deter persons from undertaking building work except in accordance with a development approval (or exemption) and the requirements of the Act.

In addition, the Council intends that where such inspections reveal problems (that is, one or more of situations 1 – 3 above exist), the evidence gathered by such inspections will permit the Council to take action to correct those problems and/or punish those persons responsible. Corrective action is not considered in this Policy, which is confined to inspections only.

3. Definitions

Words and phrases defined by the Act and the Development have the same meaning when used in this Policy.


In addition, the following words and phrases are defined:

audit inspection* an *inspection* which determines (within the scope of the inspection and only insofar as the inspection is able to do so) whether or to what degree the inspected building work complies with:

- the relevant development approval or any applicable exemption
- if applicable, any other relevant documents (for example a required checklist)

an audit inspection does not involve any assessment of building work against the building rules or swimming pool safety requirements at large, nor any assessment of the structural or functional adequacy of any building work.

building inspection an *audit inspection* of building work, excluding any building work comprising solely a swimming pool (including related swimming pool safety features) or swimming pool safety features or portion thereof

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inspection*	a comparison by an <i>inspector</i> (with or without assistants) of (a) visual observations of building work, and (b) measurements or test results of selected parts ¹ of building work, with: <ul style="list-style-type: none"> • the plans and details (if any) which form part of a development approval (or exemption) which relates to that building work, and • if applicable, any other relevant documents (for example a required checklist)² and may include the interview of any person associated with, or who has knowledge of, the building work
inspector	an authorised officer of the Council, appointed under Section 18 of the Development Act, who holds a current accreditation as a building surveying technician (or equivalent or greater accreditation)
person	includes all legal persons including bodies corporate
swimming pool inspection	an <i>audit inspection</i> of a swimming pool (including related swimming pool safety features) or swimming pool safety features or portion thereof
swimming pool safety requirements	the requirements of the <i>Development Act 1993</i> and <i>Development Regulations 2008</i> pertaining to swimming pool safety
year	the relevant calendar year

*Except within the above table, where this Policy refers to an *inspection*, that is a reference to an *audit inspection* as defined above. Where this Policy uses the word “inspect”, that means “undertake an *audit inspection*”.

4. Legislation: Selection Of Buildings And Swimming Pools For Inspection

Excluding swimming pools, not all buildings in relation to which Building Rules consents have been issued over the course of the year in the will be inspected. The Council does not have the resources to do so.


However, all swimming pools notified to the Council as having been constructed over the course of the year will be inspected in accordance with this Policy.

Buildings (excluding swimming pools) will be selected for inspection in accordance with the following criteria (in descending order of preference):

1. Buildings which appear to be unsafe;
2. Buildings which ordinarily present a high risk to life safety;

¹ How such parts are to be selected is dealt with later in this Policy.


² At present a supervisor’s checklist is prescribed in relation to roof framing under Regulation 74(5), and the Minister’s Schedule 5 roof framing checklist is prescribed under Regulation 74A in relation to the provision of truss information by a truss manufacturer.

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3. Buildings which are used by many people, particularly where many people do so simultaneously;
4. Buildings which involve roof framing;
5. Buildings which are obliged to provide access to disabled persons;
6. Buildings in respect of which a complaint has been made; and
7. In the event that inspection of the foregoing buildings does not result in the prescribed minimum inspection levels being met, any other buildings.

Where a building is selected for inspection it may be inspected at any stage of construction, and may be inspected more than once (i.e. it may be inspected at different stages of construction).

The grounds on which buildings and swimming pools will be selected for inspection also satisfies the minimum requirements prescribed in the Act.

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5. Policy - Levels Of Inspection

In accordance with Sections 71A(4a) and 71AA(7) of the Act and Regulations 76D(4b) 80AB(2) of the Regulations, the following table specifies the number of inspections which will be undertaken by the Council in relation to for buildings for which a Building Rules consent has been issued over the course of the year and swimming pools which the Council has been notified have been constructed over the course of the year

Table of Annual Level of Inspections

Class of Building	Licensed building work contractor	Annual Level of Inspections	Timing of Inspections ³
1	Y	66% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
1	N	90% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
1	Y	Subject to resource availability, 10% ⁴ of all Building Rules consents that involve energy efficiency measures	Within 1 business day of notification of practical completion under Regulation 74(1)(d)
2	Y	66% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
2	N	90% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
3	Y	66% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
3	N	90% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
4	Y	66% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
4	N	90% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
5	Y	66% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
5	N	90% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
6	Y	66% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
6	N	90% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
7	Y	66% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
7	N	90% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
8	Y	66% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
8	N	90% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
9	Y	66% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
9	N	90% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
10 and attached to part of the roof framing of a building of another class	Y	66% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
10 and attached to part of the roof framing of a building of another class	N	90% of all Building Rules consents that involve the construction of a roof frame	Within 1 business day of notification of the completion of roof framing
10 and not attached to any part of the roof framing of a building of another class	Y or N	Nil	Not applicable
Swimming pools with safety fence or barrier	Y or N	80% of swimming pools constructed over the course of the year	Within 2 weeks of notification of completion of safety fence or barrier
Swimming pools with safety fence or barrier	Y or N	20% ⁵ of swimming pools constructed over the course of the year	Within 2 months of notification of completion of safety fence or barrier
Swimming pools - no safety fence or barrier required	Y or N	80% of swimming pools constructed over the course of the year	Within 2 weeks of notification of construction of swimming pool
Swimming pools - no safety fence or barrier required	Y or N	20% ⁶ of swimming pools constructed over the course of the year	Within 2 months of notification of construction of swimming pool

NOTE: The number of buildings rules consents issued over the course of the year will not be known until the end of the year. By that time it will be too late to determine whether there is a shortfall between the number of inspections and the prescribed minimum levels set out in the above table.

To minimise any possible shortfall, the number of inspections undertaken by the Council will be reconciled with the prescribed minimum levels set out in the above table on a month-by-month basis. The Council aims to make up for shortfall: (a) in any month by additional inspections in the subsequent month, and (b) at the end of any year by additional inspections in the first three months of the subsequent year.

NOTE: The reference to "notification" with respect to swimming pools includes formal notifications under Section 59 of the Act and Regulation 74 of the Regulations and also any other event which causes knowledge of the construction of a swimming pool to come to the attention of the Council in the absence of a formal notification.

³ The Council will use its best endeavours to undertake all inspections within the timeframes identified in the following table. However, in relation to the inspection of buildings (excluding swimming pools), the Council is not required by the Act or the Regulations to carry out inspections within these timeframes.

⁴ Inspections undertaken to satisfy this annual inspection level must be undertaken in addition to inspections undertaken to satisfy the annual inspection level with respect to class 1 buildings where a licensed building work contractor is responsible for the building work and that involve the construction of a roof frame (i.e. an inspection cannot be counted towards both inspection levels).

⁵ Being the remaining 20% of swimming pools constructed over the course of the year which required a safety fence or barrier such that, in totality, 100% of swimming pools constructed over the course of the year which required a safety fence or barrier will be inspected.

⁶ Being the remaining 20% of swimming pools constructed over the course of the year which did not require a safety fence or barrier such that, in totality, 100% of swimming pools constructed over the course of the year which did not require a safety fence or barrier swimming pools will be inspected.

5.1 Counting Building Inspections

The first inspection of building work forming part of any particular building is counted as one inspection.

Where building work forming part of a building is inspected at a particular stage, and problems are found, any re-inspection undertaken to determine whether the problems have been corrected does not count as a further inspection.

However, inspection of building work forming part of a building at a later stage is counted as a separate inspection, even if the building was inspected at an earlier stage.

5.2 Selection of Parts of Building Work for Measurement

An inspection will not involve the measurement of all parts of the inspected building work.

The inspector will select which parts of the building work to measure in accordance with ordinary building inspection practice, and taking into account the following factors:

- (a) The possible and likely consequence(s) of failure of the part;
- (b) Whether the part is representative of similar or identical parts; and
- (c) Whether parts of that kind are known or suspected to be incorrectly built, constructed or installed more often than parts of other kinds.

6. Responsibilities

The Practice Manager Planning Assurance will communicate, implement and monitor compliance with this Policy.


The Council inspects building work and swimming pools in accordance with the objectives of this Policy and for the public good.

Inspections are undertaken by the Council solely as a result of its duties under the Policy.

Inspections are not carried out for the benefit of any past, current or future owner, occupier or neighbour of any building work and no legal relationship is created between the Council and any other such person as a result of the conduct of the inspections. The Council does not accept that it owes a duty to such persons or indeed any particular person in relation to any inspection.

Section 99 of the Act provides that no act or omission in good faith in relation to a particular development by a council or an authorised officer after the development has been approved subjects that person or body to any liability.

The Council does not accept any liability in relation to any inspection. In the event of any dispute with the Council as a result of an inspection, any conduct engaged in, or statements or comments made by, an officer of the Council with the intent of resolving or otherwise managing the dispute are not intended as, and are not to be taken as, any admission of responsibility or liability on the part of the Council.


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7. Relevance to Strategic Plan

This Policy is relevant to Strategy 2 of the Council's Strategic Plan: "Securing Playford's future and building value".

8. Approval and Change History

Version	Approval Date	Approval by	Change
1	27/09/05		New Policy
2	30/06/15	Practice Manager Planning Assurance	Completely rewritten to meet the minimum legislative requirements as at 30 June 2015.

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