



BUILDING INSPECTION POLICY

DEVELOPMENT ACT 1993

AUGUST 2011

1.0 Introduction

Section 71A(1) of the Development Act 1993 requires Council to prepare and adopt a Building Inspection Policy for the Classes of building prescribed by Regulation.

Regulation 80AB prescribes that a Council's Building Inspection Policy must address Class 1 and 2 buildings. However, this requirement does not limit the Policy to these Classes and it is proposed that the Policy also encompass Classes 3-10.

The Act requires that a Council must, when preparing its Building Inspection Policy or considering an alteration, take into account the following :

1. *the financial and other resources of the council, and of its local community; and*
2. *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*
3. *past practices of the council with regard to inspections and the assessment of building work in its area; and*
4. *whether the area, or a particular part of the area, of the council is known to be subject to poor building conditions; and*
5. *information in the possession of the council on poor building standards within its local community; and*
6. *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.*

2.0 Notification

Regulation 74(1) requires a person undertaking building work to give Council:

- One business days notice of commencement of building work on site
- One business days notice of intended commencement of any stage of the building work if specified by the Council at the time of granting approval.
- One business days notice of intended completion of any stage of the building work if specified by the Council at the time of granting approval.
- One business days notice of completion of the building work

For the purpose of compliance with the Act and the effective implementation of the Building Inspection Policy, it is proposed that the following minimum notification will be required:

Class 1

- One business days notice of commencement of building work
- One business days notice of completion of the wall/roof framing
- One business days notice of completion of building work

Class 2 – 9

- One business days notice of commencement of building work
- One business days notice of completion of building work

Class 10a

- One business days notice of commencement of building work

Class 10b

- One business days notice of commencement of building work
- One business days notice of completion of building work and prior to the swimming pool being filled with water

The Council will advise all applicants of these notification requirements in writing at the time of issuing the Development Approval.

Building Rules compliance inspections

(to be undertaken in accordance with the following table)

Class	Description	% to be Inspected	Stages To Inspect (where notified)	Reason
1	Dwellings – New	70 %	Completion of wall/roof frame or final completion	Significant proportion of development investment within the City Increased inspection levels has reduced non compliance Community expectation
		100%	Wall/roof frame completion	Projects where there is an Owner Builder may increase likelihood of non compliance
1	Dwellings – Additions	50 %	Completion of wall/roof frame or final completion	Owner surveillance more likely A lesser area of investment / significance
		100 %	Wall/roof frame completion	Projects where there is an Owner Builder may increase likelihood of non compliance
2 – 9	Commercial / Industrial / Community	100 %	Final completion (Note : To be undertaken for all 2-9 projects approved from 1994- 2010 where a Certificate of Occupancy is required)	Ensure compliance with key public safety issues Significant impact of non compliance with safety requirements Certificate of Occupancy ensures general compliance
10a	Verandahs / Carports etc	5 %	Final completion	Minimal evidence of non compliance Minimal impact of non compliance Generally able to be inspected at completion Minor investment
10b	Swimming Pools	100 %	Prior to filling pool with water	Significant risk to public safety through non compliance Ensure compliance with safety barrier requirements

Development Plan compliance inspections

(to be undertaken in accordance with the following table)

Building Class	Description	% to be Inspected (where notified)	Stage To Be Inspected	Reason
1	Dwellings	10 %	Completion	Emphasis on two storey dwellings Majority are complying or have no conditions Not including ResCode or stimulus package development
2 – 9	Apartments/Commercial/ Industry/Community	100 %	Completion	Generally all have planning conditions Significant area of non compliance Focus on regions / groupings where consistent non compliance
10a	Carports/Verandahs	5 %	Completion	Very few have planning conditions. Minor impact of non compliance Not including ResCode or stimulus package development Focus on structures forward of dwelling or close to boundaries

NOTES :

- 1) *This level of inspection will equate to approximately 35 - 40% of the total number of approvals granted*
- 2) *All forms of building may be inspected at any stage of construction at the discretion of Council*
- 3) *All category 2 and 3 (public notification) applications to be inspected irrespective of building class.*

3.0 Other Inspections

To ensure compliance with all aspects of development, the following inspections will also be undertaken.

Resident or Third Party Initiated Complaints

Type of Complaint	% to be Inspected	Standard	Reason
Hazardous or dangerous structures & swimming pools	100 %	To be inspected same day Takes highest priority	Public safety
Significant tree removal/pruning	100%	To be inspected same day	Irreversible damage Impairment to amenity
Unauthorised building work requiring a Development Approval	100 %	To be inspected within 2 business days of notification	Non compliance with Act High probability of substandard work
Incomplete or unsatisfactory building work requiring a Development Approval	100 %	To be inspected within 2 business days of notification	Generally not a safety issue Stormwater disposal most frequent issue
Unauthorised use of land (planning)	100 %	To be inspected within 3 business days of notification	To ensure compliance with the Act

4.0 Criteria for Selection of Buildings to be Inspected

4.1 Building Rules compliance inspections

Only three categories of building work involve inspections of less than 100% of approvals. They are:

1. Class 1 – Dwellings – 70%
2. Class 1 – Dwelling Additions – 50%
3. Class 10a – Carports/Verandahs – 5%

Criteria for determining which building approvals will be inspected where the policy calls for less than 100% of approvals includes:

- Whether or not the building work is being undertaken by an owner builder or a registered builder.
- Where the work is being undertaken by a registered builder, the reputation of the builder and the experiences of this Council and other Councils in dealing with that builder.
- Local environmental factors relative to the area in which the building work is being undertaken (eg wind speeds, flooding, poor soil conditions).
- Whether the building work was approved conditionally or unconditionally.
- Any other reason for which, in the professional opinion of Council's officers, the building work should be inspected.

4.2 Development Plan compliance inspections

Only two categories of building work involve inspections of less than 100% of approvals. They are:

1. Class 1 – Dwellings – 10%
2. Class 10a – Carports/Verandahs – 5%

Criteria for determining which building approvals will be inspected where the policy calls for less than 100% of approvals includes:

- All category 2 and 3 (public notification) applications to be inspected.
- Whether or not the application is exempt under the ResCode requirements.
- Where the dwelling is two storey (and has overlooking potential).

- Where the Carport/Verandah is forward of the dwelling or close to adjacent boundaries.
- Where the locality is such that there has been historic non compliance with approved documents and/or conditions imposed.
- Where the work is being undertaken by a registered builder, the reputation of the builder and the experiences of this Council and other Councils in dealing with that builder.
- Local environmental factors relative to the area in which the building work is being undertaken (eg site topography).
- Whether the building work was approved conditionally or unconditionally.
- Any other reason for which, in the professional opinion of Council's officers, the building work should be inspected.

6.0 Monitoring and Reporting

Detailed records will be kept accounting for the performance of Council in meeting the requirements of this policy. On an annual basis the following details, referenced against this Policy, will be reported to Council:

- Number of Development Approvals issued.
- The number of inspections performed in each of the categories detailed in the Policy.
- The number of sites where non compliance was detected.

7.0 Review of the Policy

Council may alter the building inspection policy from time to time. Factors that may lead to a change in the policy include:

- Legislative changes
- Significant change in the level of development activity.
- Changes in the level of non compliance or unauthorised development/building work.
- Changes in the community's expectations

Classification of Buildings

(as called up in the National Construction Code)

Buildings are classified as follows:

Class 1 : one or more buildings which in association constitute—

(a) **Class 1a** — a single dwelling being—

- (i) a detached house; or
- (ii) one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit; or

(b) **Class 1b** — a boarding house, guest house, hostel or the like

- (i) with a total area of all floors not exceeding 300 m^2 measured over the enclosing walls of the Class 1b; and
- (ii) in which not more than 12 persons would ordinarily be resident, which is not located above or below another dwelling or another Class of building other than a private garage.

Class 2 : a building containing 2 or more sole-occupancy units each being a separate dwelling.

Class 3 : a residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons, including—

- (a) a boarding house, guest house, hostel, lodging house or backpackers accommodation; or
- (b) a residential part of a hotel or motel; or
- (c) a residential part of a school; or
- (d) accommodation for the aged, children or people with disabilities; or
- (e) a residential part of a health-care building which accommodates members of staff; or
- (f) a residential part of a detention centre

Class 4 : a dwelling in a building that is Class 5, 6, 7, 8 or 9 if it is the only dwelling in the building.

Class 5 : an office building used for professional or commercial purposes, excluding buildings of Class 6, 7, 8 or 9.

Class 6 : a shop or other building for the sale of goods by retail or the supply of services direct to the public, including—

- (a) an eating room, cafe, restaurant, milk or soft-drink bar; or
- (b) a dining room, bar, shop or kiosk part of a hotel or motel; or
- (c) a hairdresser's or barber's shop, public laundry, or undertaker's establishment; or
- (d) market or sale room, showroom, or service station.

Class 7 : a building which is—

- (a) **Class 7a** —a carpark; or
- (b) **Class 7b** — for storage, or display of goods or produce for sale by wholesale.

Class 8 : a laboratory, or a building in which a handicraft or process for the production, assembling, altering, repairing, packing, finishing, or cleaning of goods or produce is carried on for trade, sale, or gain.

Class 9: a building of a public nature—

- (a) **Class 9a** —a health-care building, including those parts of the building set aside as a laboratory; or
- (b) **Class 9b** — an assembly building, including a trade workshop, laboratory or the like in a primary or secondary *school*, but excluding any other parts of the building that are of another Class; or
- (c) **Class 9c** — an aged care building.

Class 10: a non-habitable building or structure—

- (a) **Class 10a** — a non-habitable building being a private garage, carport, shed, or the like; or
- (b) **Class 10b** — a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like.
- (c) **Class 10c** — a private bushfire shelter.