

# BUILDING INSPECTION & DEVELOPMENT COMPLIANCE

12 September 2017

legislative

## PURPOSE

This document is a legislative requirement under Section 71A of the *Development Act 1993* and provides the support and direction required to undertake Building Inspections by *authorised officers*.

Inspections undertaken will facilitate development compliance of selected buildings and structures in the City and support the achievement of appropriate safety standards, preservation of heritage listed buildings and the amenity of the public realm.

This document does not vary the *Development Act 1993*, the enforcement of the *Environment Protection Act 1993* and public safety matters arising from activities for which a permit is required under the *Local Government Act 1999*.

## STATEMENT

Building inspections are undertaken to ascertain compliance of buildings and structures which have development authorisation. Buildings inspected are required to meet the minimum standards of building safety, health and amenity as contained in the Building Rules pursuant to the *Development Act 1993*.

### Application of this document

Council will undertake to: - conduct building inspections in the City of Adelaide that will be managed and delivered:

- by *authorised officers* as required by the *Development Act 1993* and as required to support Council By-laws
- in order of priority as detailed in Table A 'Inspections Order of Priority'
- to achieve the minimum standards of safety of buildings and structures as required by the Building Rules within the *Development Act 1993*
- to achieve the prescribed level of inspections specified in Section 71A of the *Development Act 1993* and Regulation 80AB of the *Development Regulations 2008*
- collaboratively with State Government and industry to produce initiatives for improvement of compliance

Council will undertake to: - conduct building inspection activities that will also support:

- improved levels of voluntary compliance by the provision of educational activities for use by the community and industry to enable them to understand their obligations.
- referrals to relevant agencies, organisations, information sources or mediation services in relation to non-legislative, neighbourhood disputes.
- initiate appropriate action to remedy unauthorised work or work not complying with an approval.

**OTHER USEFUL DOCUMENTS**

**Related documents**

- Table A: Inspection Order of priority:

<b>Priority Category (highest to lowest)</b>	<b>Description</b>	<b>Examples of activities / issues included within each priority category</b>
Priority 1	Risks to public or private safety from buildings or excavations	Deficient structural adequacy Building fire safety defects Buildings damaged through accidents, storms or disasters
	Unauthorised work to heritage places or tree damaging activities	External or internal painting of State Heritage building Alterations to State or Local Heritage places Excavation near listed or significant trees
Priority 2	Audits of the condition of heritage buildings	Rotted / damaged structural timbers Leaking gutters and downpipes Squatter activity
	Legislative compliance	Unauthorised land use Building without Development Approval Audits of required maintenance of building fire safety provisions
Priority 3	Compliance with Development Approvals	Legislative and other construction audits Development condition compliance audits Lodging house license audits
	Compliance with authorisations by Council for temporary structures	Audits of structural adequacy Audits of fire safety Audits of accessibility
Priority 4	Issues not related to Development	Fencing disputes between neighbours Private stormwater runoff Amenity issues not related to a Development (eg. tree planting) Encroachments on private land

**Relevant legislation**

- Development Act 1993
- Development Regulations 2008
- Local Government Act 1999: By-Law No.5 – Lodging Houses

**GLOSSARY**

Throughout this document, the below terms have been used and are defined as:

**Authorised officers:** employees of Council who have been appointed to undertake inspections as authorised within relevant legislation and regulations

**Building Rules:** as defined in Section 4 of the *Development Act 1993*

**Enforcement actions:** the issue of Notices pursuant to Sections 56, 69, or 84 of the *Development Act 1993* requiring remedy of a breach of the *Development Act 1993* or legal action initiated within the Civil jurisdiction of the Environment Resources and Development Court necessary to ensure compliance and may also include legal action initiated in its criminal jurisdiction

**Punitive actions:** the instigation of imposition, or the application, of a penalty for a breach of the *Development Act 1993* including issuing of Expiation Notices, initiation of legal action within the Criminal jurisdiction of the Environment Resources and Development Court or other Criminal Court as appropriate to obtain a conviction and penalty for a breach of the *Development Act 1993*

**Roof framing:** as defined in Regulation 74(9) of the *Development Regulations 2008*

**ADMINISTRATIVE**

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **3** years unless legislative or operational change occurs beforehand. The next review is required in **September 2020**.

**Review history:**

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
ACC2018/9000	Council	12/09/2017	Endorsement of Building Inspection & Development Compliance Policy

**Contact:**

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