BUILDING INSPECTION & DEVELOPMENT COMPLIANCE

12 September 2017

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.

### Related documents
- Table A: Inspection Order of priority:

<table>
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<tr>
<th>Priority Category (highest to lowest)</th>
<th>Description</th>
<th>Examples of activities / issues included within each priority category</th>
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| 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 for currency at least annually as part of the annual review of delegations. Those requiring detailed consideration are flagged in the current forward Council Policy Program.

**Review history:**
As part of the annual policy review schedule.

**Contact:**
For further information contact the Planning & Development Program

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