DISTRICT COUNCIL OF Streaky Bay
29 Alfred Terrace, Streaky Bay SA 5680
T: (08) 8626 1001 **E:** dcstreaky@streakybay.sa.gov.au

BUILDING AND SWIMMING POOL INSPECTION POLICY

Policy No: **DCSB-DC-03.01**	Approved on: **20 May 2025**	Administered by: **Chief Executive Officer**
Last Reviewed: **May 2025**	Review Date **August 2027**	Record No: **455003**
Classification: **Development Control**		
Strategic Plan link: **Strategy 1.1.7** Ensure compliance of relevant Council policies and procedures with legislative requirements.		
References and related Policies, Procedures and Forms: Planning, Development & Infrastructure Act 2016 (the PDI Act) and the National Construction Code (NCC) of Australia. Planning, Development & Infrastructure Regulations (General) 2017 Practice Direction 8 - Council Swimming Pool Inspections 2019, Practice Direction 9 – Council Inspections 2020 DCSB-FM-13.01 Records Management Policy		

Contents

1. Preamble 3
2. Purpose 3
3. Definitions 4
4. Principles 5
5. Policy Statement 5
6. Policy Review 7
7. Monitoring and Reporting 7
8. Further information 7
9. Policy Details 8

1. Preamble

The Planning Development and Infrastructure Act 2016 (PDI Act) requires that the State Planning Commission issue a practice direction that specifies procedural requirements for councils to carry out inspections of buildings and swimming pools constructed within their respective areas in accordance with sections 144 and 156 of the Act.

Section 144 of the PDI Act empowers councils to inspect building work within its area. Such inspections aim to:

a) Provide for occupant and public safety; and

b) Maintain confidence and integrity in the development control system.

By undertaking such inspections, Council also aims to deter persons from undertaking building work except in accordance with a development approval (or exemption) and the requirements of the PDI Act 2016.

In addition, Council intends that where such inspections reveal non-compliance, the evidence gathered by such inspections will permit Council to take action to correct those problems.

This policy does not apply to the appropriate authority constituted under Section 157(17) of the PDI Act commonly known as the Building Fire Safety Committee (BFSC), nor does it apply to any BFSC inspections under Section 157(1).

2. Purpose

The purpose of this policy is to monitor the standard of building work within the District Council of Streaky Bay and to outline the types of developments requiring inspection, both mandatory and non-mandatory, in accordance with the PDI Act.

Pursuant to Section 42 of the PDI Act, the State Planning Commission has issued the following Practice Directions:

1. Practice Direction 8 (Council Swimming Pool Inspections 2019 – Version 5 (10 April 2025)) – in accordance with Section 156(5) of the PDI Act to ensure that swimming pools and designated safety features for swimming pools are inspected due to the high risk they pose for young children; and

2. Practice Direction 9 (Council Inspections 2020) Version 3 (10 April 2025) – in accordance with Section 144 of the PDI Act to ensure the carrying out of inspections of certain developments within the council area.

In accordance with Section 144(3) and consideration of the mandatory requirements of Practice Direction 8 Version 5 and Practice Direction 9 Version 3, using a risk assessment approach this policy has been prepared taking the following matters into account:

(a) the financial and other resources of Council;

(b) the impact that a failure to inspect a certain number of developments over a period of time may have on the local community;

(c) the various sizes of the areas of councils and difference in population;

(d) the types of development undertaken in the various areas of the State;

(e) the types of development that predominates in the various areas of the State;

(f) in relation to building work, building conditions in the various areas of the State;

(g) the public interest in ensuring that development is undertaken with the requirements of this Act.

A copy of Practice Direction 8 and Practice Direction 9 can be accessed online through the SA Planning Portal at www.saplanningportal.sa.gov.au

This policy will apply to all development approvals issued for the District Council of Streaky Bay.

This policy will commence operation upon the commencement of the Planning and Design Code and the PDI Act in the Council area.

3. Definitions

Common terms defined by the Planning, Development and Infrastructure Act 2016.

Building is defined as a building or structure or a portion of a building or structure (including any fixtures or fittings which are subject to the provisions of the Building Code), whether temporary or permanent, moveable or immovable, and includes a boat or pontoon permanently moored or fixed to land, or a caravan permanently fixed to land.

Building Code is defined as an edition of the *Building Code of Australia* published by the Australian Building Codes Board in the National Construction Code series.

Building owner is defined as the owner of land on or in relation to which building work is or is to be performed.

Building work is defined as work or activity in the nature of—
(a) the construction, demolition or removal of a building (including any incidental excavation or filling of land); or
(b) any other prescribed work or activity,
but does not include any work or activity that is excluded by regulation from the ambit of this definition;

Practice Direction is defined as a practice direction issued by the Commission under, or in accordance with, section 42.

Swimming Pool is defined as an excavation or structure that is capable of being filled with water and is used primarily for swimming, wading, paddling or the like and includes a bathing or wading pool or spa pool (but not a spa bath).

Swimming Pool Safety Features is defined as a fence, barrier or other structure or equipment prescribed by the regulations.

4. Principles

Inspection of building work to be undertaken in accordance with the requirements of the Planning Development and Infrastructure Act 2016 and associated Regulations and practice directions.

5. Policy Statement

5.1 Selection of Buildings to be Inspected

Council does not have the resources to inspect all buildings and therefore not all buildings in the Council area will be inspected.

The new mandatory inspection requirements set out in Practice Direction 9 are prescriptive and include class 1 residential buildings, class 2–9 commercial buildings and rural farm buildings. The practice direction also allows for councils to inspect additional developments if they have information to indicate that the circumstances warrant them. Circumstances that may warrant an additional inspection include building work in relation to, but not limited to:

a) a building intended for use or occupation by large numbers of people, particularly simultaneously;
b) a building intended for use or occupation by vulnerable persons or persons with a disability;
c) a building in respect of which the council has been made aware of a complaint or regulatory issue, whether directly or indirectly, relating to the building or any person involved in the building work;
d) a building with energy efficiency requirements;
e) a building constructed by a person who is not a licensed building work contractor under the Building Work Contractors Act 1995;
f) a building subject to local environment conditions in respect of which additional measures are required to protect the environment, the building and its occupants or users;
g) a building incorporating construction properties or products, including but not limited to fire-rated construction, fire safety elements or designated building products.

5.2 Levels of Inspections

5.2.1 Mandatory Building Inspections

Council will comply with the mandatory building inspection requirements set out in Practice Direction 9 (Council Inspections 2020).

a) A number of inspections of at least 66% of each class 1 development (dwellings) issued over the course of the financial year, and

b) A number of inspections of at least 90% of each class 2 – 9 building (commercial) issued over the course of the financial year.

c) A number of inspections of at least 50% of farm buildings or a farm shed with a floor area of 500m2 or greater issued over the course of the financial year.

Where a building is selected for inspection, it may be inspected at any stage of construction and may be inspected more than once.

Council will take all reasonable steps to ensure that each inspection carried out under this policy incudes an inspection and assessment of the following elements as may be present at the time of inspection:

- primary structural elements;
- structural framing and roof trusses;
- wet areas and waterproofing;
- barriers to prevent falls;
- cladding;
- egress provisions;
- bushfire protection systems;
- passive and active fire safety elements;
- private bushfire shelters; and
- performance solutions.

5.2.2 Mandatory Swimming Pool Inspections

Council will comply with the mandatory swimming pool inspection requirements set out in the State Planning Commission Practice Direction (Council Swimming Pool Safety Inspections) 2025.

Council will inspect 100% of swimming pools and swimming pool safety features (including temporary barriers) constructed over the course of the financial year. Inspections must be completed as expeditiously as possible and within 15 business days of being notified of:

a) i. the completion of the swimming pool and/or its safety features, or
b) ii. the pool being filled with water.

Any time between a Council request for property access and the granting of access will not be counted toward the inspection timeframe. Inspections must be carried out by authorised officers who have the appropriate qualifications, skills, knowledge and experience. All inspection records must be lodged in the SA Planning Portal for each relevant reporting year (1 July to 30 June). Only the first inspection counts toward the 100% requirement; subsequent inspections are not counted but will be recognised as proactive efforts toward safety assurance.

5.2.3 Additional Building Inspections

Council has determined to carry out the following inspections in addition to the mandatory inspection requirements listed above. The purpose of this is to ensure relevant developments comply with all of the required bushfire protection system installations to reduce the risk to life and property due to the high risk of bushfire within the District Council of Streaky Bay.

Additionally, due to the recurring issues found and higher risk associated with buildings constructed by persons who are not licensed building work contractors (owner builders), staff have also requested to inspect 90% of notified owner builder residential developments.

Council will inspect 100% of notified final inspections of class 1 dwellings located within a designated bushfire prone area.

5.2.4 Counting Inspections

The first inspection of a building under the mandatory inspection requirements will be counted as one inspection.

Where a building is inspected at a stage, and issues are detected requiring further inspection, any further inspection related to the issue will be counted as part of the prior inspection related to that issue.

Except as provided from the previous paragraph, an inspection of a building at a later stage is to be counted as a separate inspection, even if the building was inspected at an earlier stage.

5.2.5 Liability

Council inspects building work in accordance with objectives of this policy and for the public interest. Inspections are undertaken by Council solely as a result of its duties under the PDI Act and 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 Council and any other such person as a result of the inspections.

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 Council, with the intent of resolving or otherwise managing the dispute, are not intended, and are to be taken as, any admission of responsibility or liability on the part of Council.

5.2.6 Mandatory Notifications

Pursuant to Section 146 of the PDI Act and Regulation 93 of the Planning, Development and Infrastructure (General) Regulations 2017 a person undertaking building work is required to notify the Council during specified stages of the building work.

Applicants/owners/developers will be advised of required notifications in writing at the time of issue of the Development Approval.

6. Policy Review

This Policy will be subject to review every five (5) years or sooner at the discretion of the relevant Manager or, upon the release of a new Practice Direction by the State Planning Commission.

The CEO has delegated authority to endorse any amendments to the Policy that do not vary the intent of the Policy.

7. Monitoring and Reporting

Records will be kept of inspections and collated on a quarterly basis to account for the performance of Council in meeting the requirements of this Policy.

8. Further information

This policy will be available for inspection at the Council Offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: http://www.streakybay.sa.gov.au

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

9. Policy Details

VERSION	DATE ADOPTED	MINUTE BOOK NUMBER
V1.0	17/12/2009	60/09
V2.1	16/05/2013	85/13
V2.1	23/01/2014	03/14
V3.0	19/03/2015	71/15
V4.0	13/09/2022	259/22
V5.0	20 May 2025	181/25