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DPTI Planning Reform Engagement Team

Please find attached my comments on the proposed Planning Development and infrastructure regulations. Thank you for the opportunity to provide comment

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Think before you print!

Specific feedback

Draft Regulation	Issue	Suggested change
<p>PDI Reg 4(1)—Variation of regulation 3— Interpretation</p>	<p>The term ‘essential safety features’ is inconsistent with the PDI Act and the body of the regulations. The term used is ‘essential safety provisions’.</p>	<p>In the title delete ‘features’ and insert ‘provisions’. (1) Essential safety provisions</p>
	<p>Previously Dev Reg 3— Interpretation sr. (5) included the term ‘the natural surface of the ground’. The PDI Regs have omitted this term, however it is used in the following Schedules -</p> <p>Schedule 3 – 4 Levee, mound over 3 metres height;</p> <p>Schedule 4 – 4 Sundry minor operations (1)(a)(iii); (1)(j)(iv); (1)(l)(i) 6- Special cemetery buildings sr. (b); 11 – Dams sr(a)</p> <p>Schedule 5 4 Sundry minor operations sr. (1)(a)(iii);</p> <p>Schedule 7 – Sundry minor operations sr. (1)(a); (1)(e)(iv)</p> <p>Schedule 14 – State agency development exempt from approval sr. (2)(u)(i).</p>	<p>The interpretation of the term ‘the natural surface of the ground’ should be re-instated in PDI regs.</p>
	<p>Previously Dev Reg 3— Interpretation sr. (6) included an interpretation of ‘farming’. The PDI Regs have omitted this term, however it is used in Schedule 7 - Complying building work.</p>	<p>The interpretation of the term ‘farming’ should be re-instated in PDI regs.</p>
	<p>Previously Dev Reg 3— Interpretation sr. (6) included the interpretation of ‘Home Activity’.</p> <p>The PDI Regs have omitted this term, however it is used in Schedule 3 Additions to definition of Development.</p>	<p>The interpretation of the term ‘Home Activity’ should be re-instated in PDI regs.</p>
<p>PDI Reg 4(1)—Variation of regulation 3— Interpretation</p>	<p>Previously Development Regs Schedule 1- Definitions included an interpretation for ‘licensed builder’. This interpretation defined a ‘licensed builder’ as a ‘<i>building work contractor under the Building Work Contractors Act 1995</i>’</p>	<p>The term ‘licensed building work contractor’ should be used throughout the regulations and the interpretation should be re-instated.</p>

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	<p>The <i>Development Regulations</i> did not use the term 'licensed builder' but used 'licensed building work contractor' or 'building work contractor'.</p> <p>The PDI Regulations has omitted the interpretation of 'licensed builder'.</p> <p>The PDI Regs do use both building work contractor and licensed building work contractor and it is expected that for the purpose of the PDI regulations a building contractor would be licensed under the <i>Building Work Contractors Act 1995</i>.</p> <p>It is suggested that 'licensed' be reinstated and an interpretation be included.</p> <p>If there is no interpretation there is no requirement in PDI legislation to have a South Australian State licensed contractor doing building work.</p>	<p>'licensed building work contractor means a building work contractor under the <i>Building Work Contractors Act 1995</i>'</p>
	<p>The PDI Regulations uses the term 'registered building work supervisor' and an interpretation should be included.</p> <p>The intent has historically been a building work supervisor that is registered under the <i>Building Work Contractors Act 1995</i>. No other registration body is accepted under State legislation and this should be clear in the PDI Regs.</p>	<p>The term 'registered building work supervisor' should be used throughout the regulations and the interpretation should be included.</p> <p>'registered building work supervisor means a building work supervisor registered under the <i>Building Work Contractors Act 1995</i>'</p>
<p>PDI Reg 3E—Change in classification of buildings</p>	<p>New regulation to ensure a change of classification under the Building Code is prescribed as building work.</p> <p><i>'Any work or activity that results in a change to the classification of a building under the Building Code is prescribed as building work for the purposes of the Act.'</i></p>	<p>No change – fully supported.</p>
<p>PDI Reg 19—Incorporation of material</p>	<p>Previously under Dev Reg. 106 Adoption of codes and standards 'the Building Research Authority of New Zealand' (BRANZ) was included.</p> <p>BRANZ has been omitted from PDI r. 19</p>	<p>No change suggested. An explanation as to why BRANZ has been removed from the list would be appreciated.</p>
<p>PDI Reg 25—Accredited professionals sr. (2); sr. (3) and sr. (4)</p>	<p>Previously under Dev Reg 87—Qualifications in building sr. (2)(b)(i) and (ii) a Level 3 Building Surveyor was able to assess single storey Class 2-9 buildings that are under 500m².</p> <p>Under PDI r. 25 a level 3 Building Certifier is limited to Class 1 and 10a dwellings (up to 2 storey). The limitations placed on Level 3 Building</p>	<p>The Chief Executive has the ability to vary the <u>qualifications</u> in a particular case to gain accreditation as an accredited professional.</p> <p>The ability to vary the <u>allowable functions of an accredited professional</u> is unknown and clarification of how the process will be implemented is requested.</p>

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	<p>surveyors are in accordance with the National Accreditation Framework and in line with other States and Territories requirements.</p> <p>Legislative support is required to allow persons who have been undertaking small single storey commercial approvals, as allowed under the Dev Regs (especially in rural council areas) to continue in this capacity.</p>	
<p>PDI Reg 25—Accredited professionals sr. (6);</p>	<p>PDI Reg 25—Accredited professionals sr. (6) allows an accredited professional—Building Certifier -Level 1, 2 or 3 to act as a relevant authority in relation to the issue of</p> <ul style="list-style-type: none"> • a schedule of essential safety provisions; • the assignment of a classification to a building, and • the provision of a Statement of Compliance. <p>It is unclear if this regulation allows the building certifier to act outside the limitations of their accreditation. An accredited professional may be able to issue a schedule of essential safety provisions, or a cert of occupancy, or accept a statement of compliance on work they are unable to assess.</p> <p>A level 3 Building Certifier is limited to undertaking assessments of Class 1 buildings by their accreditation and the maintenance provisions in the Act and Regs are not applicable to Class 1 buildings. The reason why a Building Certifier Level 3 is given the ability to issue ESP schedules is not understood.</p>	<p>In PDI Reg 25—Accredited professionals sr. (6) should state that in relation to the issue of</p> <ul style="list-style-type: none"> • a schedule of essential safety provisions; • the assignment of a classification to a building, and • the provision of a Statement of Compliance. <p>a building certifier must act in accordance with their accreditation limitations.</p>
<p>PDI Reg 25—Accredited professionals sr. (3)(a) and sr. (4)(a)</p>	<p>PDI Reg 25—Accredited professionals sr. (3)(a) and sr. (4)(a) The term ‘rise in storeys’ is used and is specific to the building code and it needs to be clear that the building code interpretation is to be used.</p>	<p>After ‘rise in storeys’ add the words ‘as defined in the Building Code’.</p>
<p>PDI Reg 25—Accredited professionals sr. (3)(b) and sr. (4)(b)</p>	<p>PDI Reg 25—Accredited professionals sr. (3)(b) and sr. (4)(b) Where ‘floor area’ is used it is accepted that the calculation of ‘floor area’ is as defined in the Building Code and it needs to be clear that this interpretation is to be used.</p>	<p>After ‘floor area’ add the words ‘as defined in the Building Code’.</p>

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<p>PDI Reg 31—Plans, fees and related provisions</p>	<p>PDI Reg 31—Plans, fees and related provisions sr. (4) prescribes a requirement for a relevant authority to make a <u>record of its reason</u> for allowing the lodgement of an application without the provision of any information or document required under Schedule 8.</p> <p>There appears to be no obligation to store the <u>record of its reason</u> for any length of time, or include it as part of the consent documents, or to keep it for auditing purposes.</p> <p>If the documentation is deemed adequate by the relevant authority to assess but is inadequate for the compliance officer to determine compliance how is the anomaly to be rectified?</p>	<p>Where a relevant authority accepts reduced information at lodgment, the regulations should require the storage of the record of reason. The simplest option would be to require it be stored with the relevant consent.</p> <p><i>31(4) If a relevant authority permits an applicant to lodge an application without the provision of any information or document required under Schedule 8, the relevant authority must make a record of the reason for its decision to do so <u>and must</u></i></p> <ul style="list-style-type: none"> • <u><i>state in that record of reason that they have considered the documentation has sufficient information to undertake the inspections necessary to ensure compliance with the Building Rules; and</i></u> • <u><i>include the record of reason in the documents authorised for the relevant consent.</i></u>
<p>PDI Reg 39—Certification of building industry insurance (3)</p>	<p>A person must not commence domestic building work unless or until a copy of a certificate of insurance in relation to that work has been lodged in accordance with subregulation (2).</p> <p>There should be a penalty for commencing work before a certificate of insurance has been lodged – preferably an expiation fine.</p>	<p>Include penalty and expiation fine.</p>
<p>PDI Reg 48—Building matters</p>	<p>The regulation requires a referral to the <u>fire authority</u> under particular circumstances, two of which directly relate to <i>'fire fighting operations of a fire authority'</i>.</p> <p>There is considerable variance in the interpretation of the meaning of <i>'fire fighting operations of a fire authority'</i> and practitioner interpretation can vary significantly from SAMFS interpretation.</p> <p>The intent of the term needs to be clarified.</p> <p>It should be noted that <i>'fire fighting operations of a fire authority'</i> is not used or defined in the PDI Act. There appears to be no legislative barrier to change.</p>	<p>Consideration should be given to using the Building Code term (as used in the fire safety performance requirements) <i>'fire brigade intervention'</i> and stating that referral to a fire authority is required when 'compliance is required with a performance requirement that includes fire brigade intervention'.</p> <p>(a) a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code <u>that includes fire brigade intervention which provides for fire fighting operations of a fire authority;</u> or</p> <p>(b) the proposed development is at variance with a performance requirement of the Building Code <u>that includes fire brigade intervention which provides for fire fighting operations of a fire authority;</u> or</p>

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<p>PDI Reg 56—Time within which decision must be made</p>	<p>The regulation allows the issue of a building rules consent before the issue of planning consent. As there is no required order to the issue of consents the responsibility for consistency of design will hinge on the last consent issued.</p> <p>Both planning consent and building consent practitioners will have to sign off on consistency.</p>	<p>Some form of clarification is needed as to the appropriate expected industry practice.</p>
<p>PDI Reg 58—Notification of decision—accredited professionals</p>	<p>PDI Reg 58—Notification of decision—accredited professionals sr. (3)(e) Regulation requires <i>if relevant</i>, a schedule of essential safety provisions in the appropriate form be submitted.</p> <p>The use of the term ‘if relevant’ is not supported as there are considerable variations in interpretation by building certifiers. This is particularly significant with large buildings with multiple tenancies.</p> <p>The criteria for submission of an ESP schedule can be formulated and should be a Ministerial Practice Direction.</p>	<p>What does ‘steps are taken’ mean? Clarification is needed.</p>
	<p>PDI Reg 58—Notification of decision—accredited professionals sr. (5)(d) Regulation requires <i>if relevant, the maximum number of persons who may occupy the building; and if the building has more than 1 classification—the part of the building to which the classification relates and the classifications currently assigned to other parts of the building.</i></p> <p>The use of the term ‘if relevant’ is not supported as the interpretation by building certifiers varies and the occupancy numbers are often not included and the different classifications for differing areas are incorrect or nonexistent.</p> <p>With regard to occupancy numbers in commercial buildings the building’s population is limited by</p> <ul style="list-style-type: none"> • the number of toilet facilities and 	<p>Include a sub-regulation to state that an accredited professional who is issuing a decision to grant building consent or a variation to a building consent must comply with any other relevant requirement specified by a Ministerial Practice Direction.</p> <p>A Ministerial Practice Direction can then be issued to clearly indicate when it is relevant to issue the schedule of essential safety provisions under 3(e).</p> <p>Delete the term ‘if relevant’ from r. 58 (5)(d) and include ‘(unless the building has a classification of Class 1 or Class10)’.</p> <p>(d) if relevant—</p> <p>(i) the maximum number of persons who may occupy the building (unless the building has a classification of Class 1 or Class 10); and</p> <p>(ii)(e) if the building has more than 1 classification—the part of the building to which the classification relates and the classifications currently assigned to other parts of the building.</p>

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	<ul style="list-style-type: none"> the available exit widths (paths of travel and door widths) <p>every building of Class 2-9 can have an occupancy number attached as a maximum population must have been assessed during the approval stage to establish the adequacy of toilets and exit widths.</p> <p>Building Fire Safety Committees must regularly establish population numbers and it should be a mandatory requirement at approval stage.</p> <p>With regard to classifications the building certifier must have decided on classifications, including the establishment of existing classifications and there is no reason not to require the information be included with the consent. Using 'if relevant' gives the Building Certifier an out to not adequately document their decision.</p> <p>It also allows a check with the classifications listed on the certificate of occupancy.</p>	
<p>PDI Reg 60—Notice of decision sr. (7)</p>	<p>PDI Reg 60—Notice of decision sr. (7) states that</p> <p><i>'A notice under this regulation may include any classification assigned to a building under section 151 of the Act.'</i></p> <p>Section 51 (1) and (5) states that</p> <p>(1) <i>Subject to this section, a building must have a classification determined in accordance with the regulations.</i></p> <p>(5) <i>The owner of a building must not permit the building to be occupied unless the building is constructed, maintained and operated in accordance with the classification appropriate to its use.</i></p> <p>The use of the word 'may' in PDI reg 60 is not representative of the Act when notifying a decision.</p>	<p>Amend reg 60 to replace 'may' with 'must'.</p>
<p>PDI Reg 66—Consideration of other development authorisations</p>	<p>PDI Reg 66—Consideration of other development authorisations</p> <p>A relevant authority must, in deciding whether to grant a development authorisation, take into account any prior development authorisation that relates to the same proposed development under the Act, and any conditions or notes that apply in relation to that prior development authorisation.</p>	<p>The intent of this regulation is unknown. It may be associated with PDI Act s. 119 (12) however it is unclear.</p> <p>The PDI Act 119—Application and provision of information sr. (12) allows for the undertaking of consents in stages</p>

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		<p>(12) <i>An application, or a consent, may provide for, or envisage the undertaking of development in stages, with separate consents or approvals for the various stages.</i></p> <p>If it is a reference to staged consents – it would be helpful to state that somewhere in the reg or in the reg title.</p> <p>The only other reference to staged consents is in Schedule 8-Plans 9-Plans for building work sr. (4) which advises on the documentation for the assessment of building work in stages.</p> <p>Previously Dev Reg. 46—Special provision relating to staged consents specifically dealt with staged consents. This has been removed from PDI Regs.</p> <p>The regs appear to be silent on the administrative functions of staged consents.</p> <p>If each stage is given a Development authorisation when do the commence and complete time periods start?</p> <p>Can a building certifier be changed after the issue of a development authorisation (staged) and before the issue of the next staged development authorisation?</p>
<p>PDI Reg 99—Notifications during building work</p>	<p>PDI Reg 99—Notifications during building work sr. 99(1)(b)(ii) allows one additional days’ notice for intended commencement of building work that is outside of metropolitan Adelaide (2 days’ notice required).</p> <p>It is unclear why the additional day has been added to commencement notification but not to the other notification time periods where an additional day would be advantageous to undertake compliance.</p>	<p>Amend reg 99 to give an extra days’ notice to all notifications for building work outside of Metro Adelaide.</p>
<p>PDI Reg 100—Essential safety provisions</p>	<p>PDI Reg 100—Essential safety provisions sr. (4) specifies when a relevant authority or council must specify the essential safety provisions for the building and the standards required for maintenance.</p> <p>An owner may apply under sub regulation (4)(c) to make an application for an ESP schedule on the payment of the scheduled fee.</p> <p>Where this occurs, the application is different from a Development Authorisation and is not an application for a building rules consent. It is a</p>	<p>A prescribed <u>application form</u> for an Essential Safety Provisions Authorisation that includes the relevant building, applicant and owner information (similar to the information on a Development Authorisation Application Form) is required.</p> <p>The regs or a Schedule must include a list of relevant information necessary to undertake the ESP Schedule upgrade.</p>

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	<p>stand-alone application for a stand-alone function which requires significantly more clarity.</p> <p>It was similarly silent in the Development Regulations and there needs to be improvements made.</p> <p>Relevant authorities are left to determine the appropriate information required and the appropriate method of authorizing the new or changed ESP Schedule.</p> <p>It is considered that the level of information provided by the Owner and the authorisation by the relevant authority or council should be regulated.</p> <p>The work involved in updating an ESP Schedule needs to be considered when setting the appropriate fee for the preparation of an ESP schedule on an existing building.</p> <p>The list of Building Code matters that are considered essential safety provisions has increased over time and the specification of a new Schedule is not simply an administrative transfer of information from one format to a new upgraded format. There is considerable work required to investigate the installed ESP's, compare them to the existing Schedule (if there is one) and to ensure they are included in the new schedule.</p> <p>There are different scenarios presenting varying levels of work necessary to undertake a thorough assessment of the installed ESP's. These include</p> <ul style="list-style-type: none"> • A new ESP schedule issued on an existing building that has never had any form of ESP previously issued; • An upgrade from an ESP <i>Building Act</i> 1971 Part 59 logbook to logbook to the latest published ESP schedule; or • An upgrade from a superseded SA76 Schedule to the latest published ESP Schedule. <p>PDI Reg 100—Essential safety provisions sr. (4)(d) requires a relevant authority issue the Schedule of ESP's. The word 'issue' has historically been understood to mean that the relevant authority prepares the Schedule of ESP's for the applicant as part of the approval process.</p> <p>This would appear to be contradictory to the position that the relevant authority assesses an application and approves it as complying with the</p>	<p>A prescribed Essential Safety Provisions Authorisation should be required to validate any agreed change and to ensure the relevant authority signs the changed provisions.</p> <p>The regs or a schedule must require a copy of the Essential Safety Provisions Authorisation to be forwarded to the council within a prescribed time so council can update their records as to the latest ESP Schedule applicable to the building.</p> <p><u><i>(4a) An application under subregulation (4)(c) must—</i></u></p> <p><u><i>(a) specify the existing form of reporting the buildings maintenance of essential safety provision (if any); and</i></u></p> <p><u><i>(b) be accompanied by such details, particulars, plans, drawings, specifications, certificates fire safety log books, maintenance records and other documents as the relevant authority or council may reasonably require to determine the building's essential safety provisions.</i></u></p> <p><u><i>(c) be in in the form determined by the Chief Executive for the purposes of this regulation (being forms published by the Chief Executive on the SA planning portal).</i></u></p> <p><u><i>(4b) An Essential Safety Provisions Authorisation under (4)(c) must be given within 20 business days from the day on which all documentation required by the relevant authority or council under subregulation (4a)(b) is received by the relevant authority or council and must be in the form determined by the Chief Executive for the purposes of this regulation (being forms published by the Chief Executive on the SA planning portal).</i></u></p> <p><i>r. 100(4) A relevant authority or council must—</i></p> <p><i>(a) on granting a building rules consent in relation to the construction of a building to which this regulation applies; or</i></p>

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	<p>relevant rules. To have the relevant authority prepare the ESP Schedule and then include it as part of the approved documents means that it is not being assessed for compliance with the relevant Ministerial Standard.</p> <p>The relevant authority’s role is to assess and if relevant approve not to prepare the documentation.</p>	<p>(b) <i>on the assignment of a change in the classification of a building to which this regulation applies in a case where there is no building work; or</i></p> <p>(c) <i>on application by the owner of a building to which this regulation applies and payment of the appropriate fee set out in the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019; or</i></p> <p>(d) <i>on issuing any other certification with respect to building work complying with the Building Rules in a case where this regulation applies,</i></p> <p><i>issue consent to a schedule in the form determined by the Chief Executive for the purposes of this regulation (being a form published by the Chief Executive on the SA planning portal) that specifies—....</i></p>
	<p>PDI Reg 100—Essential safety provisions sr. (5) sets a time period of 20 business days after the installation of those ESP’s provide to the council a certificate of compliance for each ESP.</p> <p>The words ‘after installation of <u>those</u> provisions’ and in particular ‘those’ indicates that the certificate of compliance must be issued 20 days after <u>all</u> ESP’s have been installed.</p> <p>There is no interpretation of installed, however the Oxford definition uses ‘place in position for use’ and this indicates that they are complete and operational.</p> <p>It may be more appropriate to consider the notification of completion as the trigger to start the 20-day time period.</p>	<p>Consider the notification of completion as the trigger to start the 20-day time period.</p>
	<p>PDI Reg 100—Essential safety provisions sr. (8) requires the ESP annual certificate be signed by the owner and by the person responsible for carrying out the maintenance and testing.</p> <p>This is an improvement and is supported.</p> <p>There is a question mark over the options if the maintenance contractor dies or disappears after their portion of the maintenance work is completed but before signing the certificate.</p>	<p>Some clarification on the outcomes expected by State Government if the maintenance contractor dies or disappears after their portion of the maintenance work is completed but before signing the certificate.</p>

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	<p>PDI Reg 100—Essential safety provisions sr. (9) allows certain classes of buildings of various floor areas to gain exemption from the requirement to submit proof of maintenance to council. The exemptions are</p> <p>(a) <i>the building is a Class 1b building under the Building Code; or</i></p> <p>(b) <i>the building is a Class 2 building under the Building Code that does not have a rise in storeys exceeding 3 and does not have a floor area exceeding 2 000 square metres; or</i></p> <p>(c) <i>the building is a Class 3, 4, 5, 6, 7, 8 or 9b building under the Building Code that does not have a rise in storeys exceeding 2 and does not have a floor area exceeding 500 square metres,</i></p> <p>Whilst the exemptions are the same as in the Dev reg 76(9) the criteria need review, in particular (b).</p> <p>A Class 2 building of 3 storeys and 2,000 sq metres in floor area is required by the Building Code to be constructed with</p> <ul style="list-style-type: none"> • Type A fire resisting construction (most fire resisting) • Satisfactory bounding construction between apartments • Fire protection to openings in ventilating, pipe, garbage or other service shafts • Fire rated external walls, external columns, common walls or fire walls, internal walls, loadbearing internal walls, internal beams, trusses and columns, floors and roofs • Fire hazard properties of linings materials and assemblies • Internal and external fire hydrants • Fire hose reels • Portable fire extinguishers • A smoke detection system; and • A building occupant warning system <p>It is considered that the list is significant enough to warrant requiring proof of maintenance.</p> <p>It is suggested that (b) be deleted entirely and (c) be amended to add Class 2 buildings.</p>	<p>Amend PDI Reg 100—Essential safety provisions sr. (9) to read</p> <p>(9) <i>Subregulation (7) does not apply if—</i></p> <p>(a) <i>the building is a Class 1b building under the Building Code; or</i></p> <p>(b) <i>the building is a Class 2 building under the Building Code that does not have a rise in storeys exceeding 3 and does not have a floor area exceeding 2 000 square metres; or</i></p> <p>(b) <i>the building is a Class 2, 3, 4, 5, 6, 7, 8 or 9b building under the Building Code that does not have a rise in storeys exceeding 2 and does not have a floor area exceeding 500 square metres,</i></p> <p><u><i>For the purposes of this regulation, where there is more than one Class the classification of the topmost storey shall be applied to all storeys in the building.</i></u></p> <p><i>and the building is not subject to a requirement under subregulation (10).</i></p> <p><i>For the purpose of this regulation the classification of a building with multiple classifications shall be the classification that applies to the topmost storey.</i></p>

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	<p>If the above is adopted the difficulty with applying the exemptions to multiple classifications is simplified.</p> <p>The classification that applies to the topmost storey could be applied to all storeys.</p>	
	<p>PDI Reg 100—Essential safety provisions sr. (10) allows a council to require proof that maintenance has been complied with if</p> <p>(a) <i>the essential safety provisions were installed—</i></p> <p style="padding-left: 40px;">(i) <i>under a condition attached to a consent or approval that is expressed to apply by virtue of a variance with the performance requirements of the Building Code; or</i></p> <p style="padding-left: 40px;">(ii) <i>as part of a performance solution under the Building Code; or</i></p> <p>(b) <i>the building has been the subject of a notice under section 157 of the Act.</i></p> <p>The addition of a performance solution as a trigger to requiring the submission of proof of maintenance is supported.</p>	<p>No change - the addition of a performance solution as a trigger to requiring the submission of proof of maintenance is supported.</p>
	<p>PDI Reg 100—Essential safety provisions sr. (11) expiation fines are welcomed, however sr. (11) refers to <i>'a person who fails to comply with (5), (6), (7) or (8) is guilty of an offence'</i> and each of these sub regulations reference the <i>'owner'</i>.</p> <p>It is believed that council will only be able to expiate the owner which will severely limit the effectiveness of the regulation.</p> <p>The option to expiate a lessee that is failing to maintain a building is required especially where the actions of a lessee compromises the building maintenance such as blocking exits, covering smoke alarms etc. and the owner has limited knowledge or control over preventing such actions.</p> <p>The owner may not reside in Australia making it even more difficult to issue an expiation notice.</p>	<p>Include an interpretation that states that <i>'For the purpose of sr. (5), (6), (7) or (8), owner includes responsible person'</i> or similar.</p>
<p>PDI Reg 103—Building Rules: bushfire prone area</p>	<p>PDI Reg 103—Building Rules: bushfire prone area – does not include the former Dev Reg 78—Building Rules: bushfire prone areas sr. (2)– Commonly referred to as the 50% rule has been deleted.</p>	<p>Confirmation as to whether PDI Reg 103(2) is to be re-instated elsewhere in the Building Rules.</p>

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	<p>(2) <i>If—</i></p> <p>(a) <i>application is made for building rules consent for building work in the nature of an alteration to a Class 1, 2 or 3 building under the Building Code; and</i></p> <p>(b) <i>the building is in a bushfire prone area under subregulation (1); and</i></p> <p>(c) <i>the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),</i></p> <p><i>then the relevant authority may require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.</i></p>	
<p>PDI Reg 104—Construction Industry Training Fund</p>	<p>104 sr. (2) <i>A relevant authority must not issue a building rules consent unless it is satisfied—</i></p> <p>(a) <i>that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993; or</i></p> <p>(b) <i>that no such levy is payable.</i></p> <p>Under the <i>Construction Industry Training Fund Act 1993</i> - council must have proof of receipt of payment.</p> <p>Is the proof of payment to be lodged by the applicant through the portal?</p> <p>Can the Building Certifier get that proof from the portal to confirm payment and thus issue consent?</p>	<p>The requirements for proof of payment needs to be discussed with the relevant Govt Department (that administers the CITF Act) as councils and certifiers get audited on compliance with the requirement to establish proof of payment and the new E-lodgement process has raised questions as to what will be provided and what is valid proof.</p>
<p>PDI Reg 107—Classification of building</p>	<p>107—Classification of building sr. (1) gives an owner of a building the opportunity to apply to the council for an assignment of classification in accordance with the Building Code.</p> <p>PDI reg 3E—Change in classification of buildings prescribes a change in classification as <i>'building work for the purposes of the Act'</i> and therefore requires a Development Authorisation.</p>	<p>No change - supported</p>

Draft Regulation	Issue	Suggested change
	<p>The application for change in classification will be by any prescribed application form and any decision will be by development authorisation.</p> <p>This clarifies a previous grey area and is supported.</p>	
	<p>107—Classification of building sr. (2) is a rollover of Dev Reg 82(2) and states that</p> <p>(2) <i>An owner of a building may apply for a change in classification of that building (but an application may be subject to the need to obtain an appropriate consent or approval in respect of any associated development).</i></p> <p>The PDI Regs have introduced Reg 3E</p> <p>PDI reg 3E—Change in classification of buildings prescribes a change in classification as ‘<i>building work for the purposes of the Act</i>’ and therefore requires a Development Authorisation.</p> <p>This makes PDI Reg 107(2) obsolete as written and it needs to be amended.</p>	<p>(2) <i>An owner of a building may apply for a change in classification of that building (but an application may will be subject to the need to obtain an appropriate consent or approval in respect of any associated development).</i></p>
	<p>107—Classification of building sr. (2) states that</p> <p>(2) <i>An owner of a building may apply for a change in classification of that building’.</i></p> <p>PDI Act Section 151—Classification of buildings sr(1) states that</p> <p>(1) <i>Subject to this section, a building must have a classification determined in accordance with the regulations.</i></p> <p>Historically there has been numerous multi-storey buildings that have had upper floors declassified on request by the building owner.</p> <p>Declassification removes the ability for a particular building or part of a building to be occupied. Where it cannot be occupied it has been considered appropriate to reduce the effective building height (to the number of occupied stories) and therefore allow a reduction in assessed fire risk.</p> <p>Legal opinion in 2018 indicated that this practice may not be lawful as Development Act s. 66(1) states that a ‘building must have a classification’ and removing the classification is not allowed in the regulations.</p>	

Draft Regulation	Issue	Suggested change
	<p>PDI Act Section 151 – is the same as the Development Act Section 66 (1) so the legal opinion remains.</p> <p>The previous practice of declassifying portions of buildings has been suspended by the City of Adelaide, however there are relevant authorities that are continuing the practice.</p> <p>It is difficult to see how the removal of a classification can be achieved without an Act change but the introduction of a ‘declassified’ classification by regulation would strengthen the legality of the previous decisions to declassify.</p>	
<p>PDI Reg 108—Certificates of occupancy</p>	<p>PDI Reg 108—Certificates of occupancy sr. (1) prescribes when a certificate of occupancy is not required.</p> <p>There is a lack of clarity in the determination of when a certificate of occupancy is required.</p> <p>Certifiers, Councils, Architects and Builders all have differing views and the regulations need to be clear and concise.</p> <p>The PDI regs must be able to clearly state when a Certificate of occupancy is required.</p>	<p>108—Certificates of occupancy</p> <p>(1) Pursuant to section 152(1)(a) of the Act, <u>a certificate of occupancy shall be issued by the relevant authority (responsible for issuing building consent) prior to occupation and is required for</u></p> <p>(a) <u>all new buildings (except Class 10); and</u></p> <p>(b) <u>existing buildings that do not have a certificate of occupancy in the area that is the subject of a development authorisation; and</u></p> <p>(c) <u>existing buildings that have a current certificate of occupancy in the area that is the subject of a development authorisation for a change in classification, or a change of use, or a change in</u></p>
	<p>107—Classification of building sr. (6) requires the council or relevant authority, if relevant specify the number of occupants who may occupy a building and the parts of the building to which each classification relates.</p> <p>The use of if relevant is not supported as the only time it is not relevant is with Class 1 buildings.</p> <p>All other buildings of Class 2 -9 new buildings have population limitations based on exit widths, widths of paths of travel, the number of stairs in a basement and the number of sanitary facilities and they <u>must have been calculated to check compliance with the Building Code.</u></p> <p>There is also no satisfactory reason to not include a description of the parts of a building that the classification relates. If it is the entire building simply state ‘whole building’.</p>	<p>Change sr. (6) to</p> <p>(6) <i>On assigning a classification to a building (or part of a building) <u>other than a Class 1 or Class 10 building</u>, a council or designated relevant authority must, <u>if relevant</u>, determine and specify in the notice to the owner under section 151(3) of the Act—</i></p>

Draft Regulation	Issue	Suggested change
	<p>There are suggested options in the ‘Suggested Change’ column. It may be necessary to put parameters around (c) essential safety provisions such as ‘<i>new essential safety provisions not previously installed</i>’.</p> <p>PDI Reg 108—Certificates of occupancy sr. (2) prescribes the <u>documentation</u> required to gain a certificate of occupancy and includes</p> <ol style="list-style-type: none"> (1) A signed copy of the statement of compliance which requires <ul style="list-style-type: none"> ▪ the builder sign Part A and the owner sign Part B; ▪ the provision of ESP Form2 certificates (as applicable); ▪ evidence as may be required that conditions have been dealt with; and ▪ a report from the fire authority (if prescribed fire safety features are included in the building). (2) ESP Form 2 certificates (3) Evidence as council may require that conditions have been met (4) Requirements for staged consents (5) A report from the fire authority is received under prescribed circumstances. <p>Whilst the documentation required by the council or relevant authority before issuing the certificate is prescribed, there is no prescribed action to conclude that a certificate of occupancy is warranted.</p> <p>Without prescribing anything contrary, a relevant authority that receives the prescribed documentation is required to issue a certificate of occupancy.</p> <p>There is no requirement to inspect or verify the veracity of the paper trail and it is suggested that this needs improvement.</p> <p>The inclusion of a subregulation to include a requirement to inspect and to decide that the building is suitable for occupation is suggested.</p> <p>Whilst there is no criteria under the Dev Regs to indicate what constitutes suitable for occupation for Class 2-9 buildings it is suggested that this should be pursued through further discussions with the BRWG.</p>	<p><u><i>occupancy numbers, or new alterations to essential safety provisions not previously installed; and</i></u></p> <p><u><i>(d) any building work that is the subject of a development authorisation that is otherwise deemed necessary by the building certifier.</i></u></p> <p>The inclusion of the words ‘after undertaking an inspection’ in reg. 108 Certificates of occupancy sr(3)(b) is welcomed and supported.</p> <p>108—Certificates of occupancy</p> <p><u><i>(2a) Pursuant to 152(6) of the Act a council may issue a certificate of occupancy after</i></u></p> <ol style="list-style-type: none"> <u><i>(a) undertaking an inspection; and</i></u> <u><i>(b) consideration of the documentation presented under subregulation (2); and</i></u> <u><i>(c) having regard to any report from a fire authority under subregulation (4); and</i></u> <u><i>(d) deciding that the relevant building is suitable for occupation.</i></u> <p><u><i>2(b) For the purpose of (2a)(d) suitable for occupation in a Class 1 building means that</i></u></p> <ol style="list-style-type: none"> <u><i>(a) the building is structurally sound and weatherproof; and</i></u> <u><i>(b) the building work that has been carried out on the building is in accordance with the relevant approval (disregarding any variation of a minor nature which has no adverse effect on the safety of the building, or on the health of the occupants of the building, or any variation undertaken with the written consent of the council); and</i></u> <u><i>(c) the building includes suitable sanitary facilities for personal hygiene, sanitary compartment, laundering facilities and food preparation as all items specified in Clause P2.4.3 of the Housing Provisions of the Building Code for Class 1a buildings under that Code; and</i></u>

Draft Regulation	Issue	Suggested change
	<p>The Dev Regs had a Reg 83A—Occupation of Class 1a buildings that has been removed from the PDI regulations.</p> <p><u>The content of this Reg 83A with updates to the provisions should be used to prescribe what constitutes suitable for occupation in Class 1 buildings.</u></p>	<p><u>(d) all connections relating to the supply of water from all sources, and for the disposal of water and effluent, have been made (although if the approved documentation provides for 2 or more connections for the disposal of water or effluent, it is sufficient for the purposes of that aspect of this paragraph that 1 such connection is made); and</u></p> <p><u>(e) if the building is in a bushfire prone area under regulation 78, the building is constructed to reduce the risk of ignition from a bushfire in accordance complies with Clause P2.3.4 of the Housing Provisions of the Building Code and any relevant requirements of Ministerial Code; and</u></p> <p><u>(f) automatic smoke detection all smoke alarms required under Clause P2.3.2 of the Housing Provisions of the Building Code have been installed and tested.</u></p> <p><u>(g) electricity supply is connected to the building to the extent necessary for it to be used and occupied; and</u></p> <p><u>(h) other service connections have been completed such that matters in (c) are fully operational.</u></p> <p><u>(i) swimming pools with water depth greater than 300mm, have appropriate installed safety barriers and water reticulation, as required under Clause P3.9.3 of the Housing Provisions of the Building Code installed and operating.</u></p>
	<p>PDI Reg 108—Certificates of occupancy sr(4) prevents the granting of a certificate of occupancy until it has sought areport from the fire authority if the building is—</p> <p>(i) to be equipped with a booster assembly for use by a fire authority; or</p> <p>(ii) to have installed a fire alarm that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and</p> <p>(b) facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,</p>	<p>(4) If—</p> <p>(a) a building is—</p> <p>(i) to be equipped with a <u>hydrant, hydrant booster, sprinkler booster or combined system</u> booster assembly for use by a fire authority; or</p> <p>(ii) to have installed <u>a monitored fire alarm or monitored early warning system</u> that transmits a signal to a fire station or to a monitoring service approved by the relevant authority; and</p>

Draft Regulation	Issue	Suggested change
	<p>The inclusion of hydrants, sprinkler boosters and combined system boosters and simplifying the detection wording to include smoke, should be considered.</p> <p>A relevant authority does not approve a private monitoring service as a service provider. The Building Rules clearly enunciates where fire safety monitoring is by the fire authority and when other monitoring can be private</p>	<p>(b) <i>facilities for fire <u>and smoke</u> detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,</i></p>
	<p>PDI Reg 108—Certificates of occupancy sr(8)</p> <p>(8) <i>A certificate of occupancy will be in the form determined by the Chief Executive for the purposes of this regulation (being a form published by the Chief Executive on the SA planning portal).</i></p> <p>It is considered appropriate that all relevant documentation be issued with the certificate of occupancy</p>	<p>(8) <i>A certificate of occupancy will be in the form determined by the Chief Executive for the purposes of this regulation (being a form published by the Chief Executive on the SA planning portal) <u>and shall include</u></i></p> <p><i>(a) <u>the completed certificates of compliance under reg. 76(5); and</u></i></p> <p><i>(b) <u>any report issued by the fire authority issued under subregulation (4).</u></i></p> <p><i>(8A) <u>Certificates of occupancy shall be sent to the applicant, building owner and relevant council.</u></i></p>
	<p>PDI Reg 108—Certificates of occupancy sr. (9) gives council the power to <u>revoke</u> a certificate of occupancy. This power is not given to the Building Certifier.</p> <p>Whilst the revocation is solely the responsibility of council the re-instatement of a certificate of occupancy can be by a relevant authority other than council.</p> <p>It is considered that the regulations should prescribe when a certificate of occupancy can be reinstated by a relevant authority other than council.</p> <p>It is considered appropriate to allow a relevant authority other than a council to issue a certificate that has been revoked under r.108(9)(a)</p> <p>(9) <i>Pursuant to section 152(13) of the Act, a council may revoke a certificate of occupancy—</i></p> <p>(a) <i>if—</i></p>	<p>108—Certificates of occupancy</p> <p><i>(9a) <u>The issue of a certificate of occupancy that has been revoked in accordance with (9)(b),(9)(c) or (9)(c) must only be by the council.</u></i></p> <p><i>(11) <u>Subregulations (3), and (9) and (9a) only apply to councils.</u></i></p>

Draft Regulation	Issue	Suggested change
	<p>(i) <i>there is a change in the use of the building; or</i> (ii) <i>the classification of the building changes; or</i> (iii) <i>building work involving an alteration or extension to the building that will increase the floor area of the building by more than 300 square metres is about to commence, or is being or has been carried out; or</i></p> <p>Where a certificate of occupancy has been revoked by council under (9)(b), (9)(c) or (9)(c) it is considered that the council are the only ones that should re-issue the certificate.</p>	
<p>109—Statement of Compliance</p>	<p>109—Statement of Compliance sr. (7) advises who should be signing the Statement of Compliance.</p> <p>The regulation is silent on who should be signing where there is more than one licensed building work contractor responsible for carrying out the relevant work.</p> <p>Under the Building Work Contractors Act and Regulations there is the licensed builder who is the main contractor (by virtue of a building work contract) and there are sub-contractors that are contracted to the head contractor or under the direct employment of the owner. Each of these are licensed building work contractors.</p> <p>Further clarification is required.</p>	<p><u>(7A) <i>Where there is more than one licensed building work contractor responsible for carrying out the work or more than one registered building work supervisor or building certifier responsible for signing the Statement of Compliance, each person shall sign the Part A form for only the portion of the work that they are responsible for.</i></u></p>
<p>PDI reg 118—Authorised officers and inspections</p>	<p>Previously under the Dev reg 87 Qualifications in building sr(4)(a) an authorised officer (that was to inspect building work) needed to have qualifications as Building Surveyor Level 1 – (Building Surveyor) or Building Surveyor Level 2 (Assistant Building Surveyor).</p> <p>The third level of Building Surveyor (Building Surveying Technician) was permitted to act as an authorised officer for building work under Dev reg 87 Qualifications in building sr(4)(b)</p> <p>PDI Reg 118—Authorised officers and inspections – prescribes the qualifications needed to be <u>an authorised officer under PDI Act s.210(1) – Appointment of authorised officers.</u></p>	<p>118— Authorised officers and inspections</p> <p>(1) (b) <i>who holds—</i></p> <p>(i) <i>a current accreditation as a Building Surveyor – <u>Level 1</u> issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</i></p> <p>(ii) <i>a current as an Assistant Building Surveyor - <u>Level 2</u> issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</i></p>

Draft Regulation	Issue	Suggested change												
	<p>The PDI regulations prescribe any one of all four levels of accredited professional or any of the two highest level of accreditation as issued by a building industry accreditation authority.</p> <p>The PDI regulations DO NOT PRESCRIBE the Level 3 Building Surveyor (Building Surveying Technician) or the new Building Surveyor Level 4 as issued by building industry accreditation authority yet does prescribe the same level under the accredited professional scheme. Is this intentional?</p> <p>Suggest both the lower levels be added.</p>	<p><u>(iii) a current as an Building Surveyor - Level 3 issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</u></p> <p><u>(iv) a current as an Building Surveyor - Level 4 issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</u></p> <p>(c) who holds an approval from the Chief Executive.</p>												
	<p>PDI reg 118—Authorised officers and inspections</p> <p>The terminology used by PDI Reg 118—Authorised officers and inspections for building surveyors who are accredited by a building industry accreditation authority needs review as the terminology is incorrect and out of date.</p> <table border="1" data-bbox="622 722 1305 1026"> <thead> <tr> <th>PDI Regs -</th> <th>Development Regulations</th> <th>AIBS – Industry accreditation authority</th> </tr> </thead> <tbody> <tr> <td>Building Surveyor Level 1</td> <td>Building Surveyor</td> <td>Building Surveyor</td> </tr> <tr> <td>Building Surveyor Level 2</td> <td>Assistant Building Surveyor</td> <td>Building Surveyor Limited</td> </tr> <tr> <td>Building Surveyor Level 3</td> <td>Building Surveying Technician</td> <td>Assistant Building Surveyor</td> </tr> </tbody> </table>	PDI Regs -	Development Regulations	AIBS – Industry accreditation authority	Building Surveyor Level 1	Building Surveyor	Building Surveyor	Building Surveyor Level 2	Assistant Building Surveyor	Building Surveyor Limited	Building Surveyor Level 3	Building Surveying Technician	Assistant Building Surveyor	<p>PDI reg 118—Authorised officers and inspections</p> <p>When legislation refers to accreditation given by an <i>approved building industry accreditation authority</i> the naming convention should be numbered levels</p> <ul style="list-style-type: none"> ▪ Building Surveyor Level 1; ▪ Building Surveyor Level 2; and ▪ Building Surveyor Level 3. <p>After a building industry accreditation authority is approved by the Chief Executive and advice to that effect is given to industry, the advice should state the equivalence of the accreditation authority’s scheme names with the legislated levels.</p>
PDI Regs -	Development Regulations	AIBS – Industry accreditation authority												
Building Surveyor Level 1	Building Surveyor	Building Surveyor												
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Draft Regulation	Issue	Suggested change
	<p>PDI Reg 118—Authorised officers and inspections – prescribes the qualifications needed to be an <u>authorised officer</u> under PDI Act s.210(1) – Appointment of authorised officers.</p> <p>The PDI regulations prescribe any one of all four levels of accredited professional or any of the two highest level of accreditation as issued by a building industry accreditation authority.</p> <p>The PDI regulations DO NOT PRESCRIBE the Level 3 Building Surveyor (Building Surveying Technician) or the new Building Surveyor Level 4 as issued by building industry accreditation authority yet does prescribe the same level under the accredited professional scheme. Is this intentional? Suggest both the lower levels be added.</p> <hr/> <p>PDI – Reg. 118—Authorised officers and inspections authorises inspections pursuant to section 144 of the PDI Act.</p> <p>It is noted that PDI Act s211 Powers of authorised officers to inspect and obtain information sr(1)(a)(ii) is not included.</p> <p>211—Powers of authorised officers to inspect and obtain information</p> <p>(1) <i>An authorised officer may—</i></p> <p>(a) <i>enter and inspect any land or building—</i></p> <p>(i) <i>where the authorised officer reasonably suspects that a provision of this Act is being, or has been breached; or</i></p> <p>(ii) <i>in the case of an authorised officer who holds prescribed qualifications—for the purpose of inspecting any building work; or</i></p> <p>Needs review.</p>	<p><i>approved by the Chief Executive for the purposes of this regulation; or</i></p> <p><u>(iii) a current as an Building Surveyor - Level 3 issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</u></p> <p><u>(iv) a current as an Building Surveyor - Level 4 issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</u></p> <p>(c) who holds an approval from the Chief Executive.</p> <hr/> <p>PDI – Reg. 118—Authorised officers and inspections</p> <p>(2) A person who is appointed under subregulation (1)—</p> <p>(a) is authorised to carry out inspections for the purposes of section 144 <u>and 211</u> of the Act; and</p> <p>(b) is brought within the definition of designated authority under section 212(1) of the Act.</p>
<p>PDI Reg 119—Fire safety</p>	<p>PDI Reg 119—Fire safety – prescribes the qualifications needed for the purpose of inspecting and determining whether the fire safety of a building is adequate (under PDI Act s.157 – Fire safety ss. (1) & (2)).</p> <p>The appropriate authority (formed under PDI Act s. 157 – Fire safety) determines whether the fire safety is or is not adequate.</p>	<p>PDI Reg 119—Fire safety</p> <p>(b) <i>who holds—</i></p> <p>(i) <i>a current accreditation as a Building Surveyor – <u>Level 1</u> issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</i></p>

Draft Regulation	Issue	Suggested change
	<p>It is considered appropriate to give the inspection powers to the four levels of accredited professional and to the three levels accredited by a building industry accreditation authority.</p> <p>PDI Reg 119—Fire safety sr. (b) DOES NOT PRESCRIBE the Level 3 or Level 4 Building Surveyor as issued by building industry accreditation authority yet does prescribe the these lower levels under the accredited professional scheme.</p> <p>For the purposes of PDI Act section 157(1), (2), Reg 119—Fire safety sr. (b) should have a further two levels added.</p>	<p>(ii) a current as an Assistant Building Surveyor - Level 2 issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</p> <p><u>(iii) a current as a Building Surveyor - Level 3 issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</u></p> <p><u>(iv) a current as a Building Surveyor - Level 4 issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</u></p>
	<p>PDI Reg 119—Fire safety – prescribes the qualifications needed for the building surveying member of the appropriate authority (under PDI Act s. 157-Fire Safety sr17(a)(i)).</p> <p>Previously under the Dev Act sn 71 the qualifications prescribed were</p> <ul style="list-style-type: none"> • Building Surveyor Level 1 and • with respect to buildings that do not have a rise in storeys exceeding 3 and do not have a floor area exceeding 2 000 square metres -Building Surveyor Level 2 <p>The PDI Reg 119—Fire safety prescribes the four levels of accredited professional – Building level 1, 2, 3 and 4 and the qualifications as Building Surveyor Level 1 – (Building Surveyor) or Building Surveyor Level 2 (Assistant Building Surveyor) as issued by a building industry accreditation authority.</p> <p>Including accredited professional Level 3 and Level 4 is NOT SUPPORTED as appropriate qualifications and experience in Class 2 -9 buildings is necessary to be a member of a building fire safety committee that is responsible for determining the adequacy of a Class 2-9 buildings fire safety.</p> <p>Neither accredited professional Level 3 or Level 4 have the appropriate knowledge or experience.</p> <p>Accredited professional Level 2 and Building Surveyor – Level 2 issued by a building industry accreditation authority is CONDITIONALLY SUPPORTED as</p>	<p>PDI Reg 119—Fire safety</p> <p>119—Fire safety</p> <p>(1) For the purposes of section 157(1), (2) and (17)(a)(i) of the Act, the prescribed qualifications are—</p> <p>(a) the qualifications that apply for the purposes of gaining accreditation as an accredited professional who is—</p> <ul style="list-style-type: none"> (i) an Accredited professional—building level 1; or (ii) an Accredited professional—building level 2; or (iii) an Accredited professional—building level 3; or (iv) an Accredited professional—building level 4; or <p>(b) the qualifications that allow a person to hold—</p> <ul style="list-style-type: none"> (i) a current accreditation as a Building Surveyor <u>– Level 1</u> issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or (ii) current accreditation as an Assistant Building Surveyor – <u>Level 2</u> issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or

Draft Regulation	Issue	Suggested change
	<p>appropriate qualifications to be a member of a building fire safety committee provided the officer acts within the limitations of their accreditation.</p> <p>Prescribing the conditions under which a Building Surveyor Level 2 can operate within the Building Fire safety Committee environment must be included.</p>	<p>(iii) a current as a Building Surveyor - Level 3 issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</p> <p>(iv) a current as a Building Surveyor - Level 4 issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</p> <p>(c) qualifications that are approved by the Chief Executive.</p> <p>(2) For the purposes of section 157 (17)(a)(i) of the Act, the prescribed qualifications are—</p> <p>(a) the qualifications that apply for the purposes of gaining accreditation as an accredited professional who is—</p> <p>(i) an Accredited professional—building level 1; or</p> <p>(ii) <u>with respect to buildings that do not have a rise in storeys exceeding 3 and do not have a floor area exceeding 2 000 square metres</u> an Accredited professional—building level 2; or</p> <p>(iii) an Accredited professional—building level 3; or</p> <p>(iv) an Accredited professional—building level 4; or</p> <p>(b) the qualifications that allow a person to hold—</p> <p>(i) a current accreditation as a Building Surveyor <u>– Level 1</u> issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</p> <p>(ii) <u>with respect to buildings that do not have a rise in storeys exceeding 3 and do not have a floor area exceeding 2 000 square metres</u>—a current <u>accreditation</u> as an Assistant Building Surveyor <u>– Level 2</u> issued by a building industry accreditation authority approved by the Chief Executive for the purposes of this regulation; or</p> <p>(c) qualifications that are approved by the Chief Executive.</p>

