

# Regulating building approvals

From report 28: 2018/9 – Local Government Building Approvals

The following table shows key principles on which our audit focused. Our listed expectations are not exhaustive and do not cover all of the *Building Act 2011* (Act) and other compliance requirements.

Stage	Principle	Our expectation (what we expected to see)
<b>Receive application</b>	Lodgement and payment systems	<ul style="list-style-type: none"> <li>• LG entity website provides adequate guidance to permit applicants.</li> <li>• Online system to lodge and pay for permit applicants.</li> <li>• Ability to track all applications online.</li> </ul>
<b>Assess application</b>	Staff guidance	<ul style="list-style-type: none"> <li>• Policies and procedures which:                             <ul style="list-style-type: none"> <li>○ align with current legislation and building codes</li> <li>○ explain the LG entity's interpretation of key terms of the Act</li> <li>○ include guidance for staff to effectively manage permit assessments.</li> </ul> </li> </ul>
	Conflicts of interest	<ul style="list-style-type: none"> <li>• Assess actual, potential or perceived conflicts of interest for each application.</li> <li>• Record whether a conflict of interest exists or not.</li> <li>• Record decisions and actions taken to manage any conflict of interest.</li> </ul>
	Further information requests	<ul style="list-style-type: none"> <li>• Where appropriate, use informal requests (phone or email) to resolve minor administrative errors more quickly.</li> </ul>
	Quality review	<ul style="list-style-type: none"> <li>• Review of assessment by a senior staff member, preferably a building surveyor.</li> </ul>
	Record timeframes	<ul style="list-style-type: none"> <li>• Staff start, pause and stop the clock as required by the Act. Particularly:                             <ul style="list-style-type: none"> <li>○ pause clock for formal requests only</li> <li>○ ensure clock is paused only once</li> <li>○ ensure further information provided by the applicant is correct before re-starting the clock</li> <li>○ stop the clock when the permit is issued.</li> </ul> </li> </ul>
<b>Issue permit</b>	Staff delegations	<ul style="list-style-type: none"> <li>• Delegate relevant staff with the authority to approve and issue permits.</li> <li>• Only delegated staff to have access to the permit system's approval and issue tasks.</li> </ul>

Stage	Principle	Our expectation (what we expected to see)
<b>Permit compliance</b>	Monitoring	<ul style="list-style-type: none"> <li>• Policies and procedures explain LG entity's regulatory approach and guidance on how to monitor and inspect building works, for example the nature and extent of possible monitoring and compliance enforcement actions including desktop review and on-site inspections.</li> <li>• Risk-based program for monitoring and inspections. Consider: <ul style="list-style-type: none"> <li>○ compliance risks during permit assessments (e.g. owner builders may lack building experience)</li> <li>○ compliance history of the applicant, builder or surveyor</li> <li>○ results of previous inspections and complaints</li> <li>○ local risks such as site conditions and types of dwelling</li> <li>○ other resources like B&amp;E's website to identify builders and surveyors warned, fined or prosecuted for non-compliance.</li> </ul> </li> </ul>
	Complaints management	<ul style="list-style-type: none"> <li>• Staff guidance on how to assess risks, assign a rating and prioritise complaints.</li> <li>• Timely referral of compliance matters to relevant staff.</li> <li>• Provide feedback to the complainant.</li> </ul>
	Enforcement	<ul style="list-style-type: none"> <li>• Policies and procedures on enforcement.</li> <li>• Consider appropriate enforcement method on a case by case basis: <ul style="list-style-type: none"> <li>○ informal (education, warning letters)</li> <li>○ formal (building order, prosecution).</li> </ul> </li> <li>• Follow up to ensure action is taken to remedy the non-compliance.</li> <li>• Escalate matters to senior staff if previous enforcement action did not achieve compliance.</li> </ul>
<b>Reporting</b>	Performance information	<ul style="list-style-type: none"> <li>• Report permit approvals, monitoring and enforcement data to B&amp;E.</li> <li>• Provide key performance information to relevant stakeholders and the community. This could include information on: <ul style="list-style-type: none"> <li>○ number and value of permit applications received</li> <li>○ time taken to issue permits</li> <li>○ monitoring and inspection activities</li> <li>○ building related complaints</li> <li>○ number of non-compliance issues identified and resolved</li> <li>○ number of building orders and prosecutions.</li> </ul> </li> </ul>

Source: OAG



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