

The Industry Association of Building and Property Inspectors in WA Inc – Inspect WA	
Position Paper 16.2020 Title: Defining Residential Buildings	
Subject	Defining Residential Buildings
Association Position	<ol style="list-style-type: none"> 1. Member Building Inspector need to define whether or not a Major Structural Defect is on the Residential Building or beyond the residential building when producing a Pre Purchase Building Inspection in Accordance with AS 4349.1 2. Major defects within the following boundaries are considered to be on the residential building <ol style="list-style-type: none"> a. Everything under the main roof even if added to post initial construction b. Veranda constructed at the same time that the residential building was constructed c. Standalone granny flats d. Alfresco under main roof e. Standalone structures containing habitable rooms in accordance with Building Approvals f. Retaining walls directly associated with the foundations of the residential building 3. Major defects within the following boundaries are considered to be beyond the residential building <ol style="list-style-type: none"> a. Patios & Pergolas b. Gazebos c. Carports d. Sheds e. Outhouses f. Fences, retaining walls g. Swimming pools h. Garden walls i. Decorative installations j. Retaining walls not associated with the foundations of the residential building
Date Preparation Commenced	April 2020
Final Approval by Committee and Release to Members	April 2020
Why was the Paper Released	1. The Real Estate Institute of WA (“REIWA”) “Australian Standard” Pre Purchase Inspection for Major Structural Defects Annexure is an extraordinarily complex Annexure which in the opinion of the Association is

	<p>rarely understood by the majority of stakeholders associated with the use of the Annexure, including many Agents, Buyers and Sellers.</p> <ol style="list-style-type: none"> The focus of the Annexure is major structural defects on the residential Building. Sadly, the REIWA Annexure does not define “residential Building”. The lack of definition of “residential Building” places inspectors, buyers and sellers with a very difficult task of determining if a major Structural defect is “on the residential building” or on a structure beyond the residential building. The REIWA Clause is also in conflict with AS 4349.1 which requires the areas to be inspected to include: “The inspector shall inspect accessible parts of the building and appurtenances, together with relevant feature of the property within 30 m of the building and within the boundaries of the site, or as otherwise agreed in the inspection agreement”. And further within AS 4349.1 Appendix A the purpose of the inspections is to provide advice to a prospective purchaser or other interested party regarding the condition of the structure of the property. With the Definition of Defects in Appendix A the types of defect to be considered are as described in Section 3. The presence or otherwise of defects shall only be relevant when such defects relate to the structural condition of the building. AS 4349.1 does not define property or building. It is possible for major structural defects to be identified on building structures beyond the residential building (i.e. sheds) or on structures (substantial retaining walls) which are not a component of the residential building. The association has issued a Position Paper (13.2019 Pre Purchase Inspection Report Summary Table) which requires inspectors to define where or not a Major Structural Defect is on the residential building or beyond the residential building. Given 13,.2019 Inspector Members require Guidance and assistance in determining the boundaries between residential Building and beyond residential building. Appendix 1 Provide a Summary of those items which are contained within the residential Property and those beyond the residential property.
Key References	The Real Estate Institute of WA Australian Standard Pre Purchase Inspection for Major Structural Defects Annexure Form 167 10/19
Legal Opinions	Inspect WA has sought independent Legal Opinion on the development of this Position Paper and the Notices Attached. This information is privileged.
Key Issues for Consideration	

Additional Observations	Inspect WA recommends that its members direct their clients to the Inspect WA Web Site where these Notices will be made available under the Media Notice Section.
Disclaimer	This document is not intended to be Legal Advice. The document is only intended for Members of. The Industry Association of Building and Property Inspectors in WA. Where appropriate, readers of the document should seek their own independently legal advice

Signed Chairman

The Industry Association of Building and Property Inspectors in WA – Inspect WA

April 2020

1 Appendix One –

a. Building elements considered to be within the definition of residential Building

- i. Everything under the main roof even if added to post initial construction
- ii. Veranda constructed at the same time that the residential building was constructed
- iii. Standalone granny flats
- iv. Alfresco under main roof
- v. Standalone structures containing habitable rooms in accordance with Building Approvals
- vi. Retaining walls directly associated with the foundations of the residential building

b. Building elements considered to be beyond the definition of residential Building

- i. Patios & Pergolas
- ii. Gazebos
- iii. Carports
- iv. Sheds
- v. Outhouses
- vi. Fences, retaining walls
- vii. Swimming pools
- viii. Garden walls
- ix. Decorative installations
- x. Retaining walls not associated with the foundations of the residential building

2. Public Release Template

Public Release – Position Paper 16.2020 – Month 2020

The Industry Association of Building and Property Inspectors in WA Inc – Inspect WA is pleased to announce the release of its Position Paper in April 2020

Background

There were a number of key issues that contributed to the release of this Position Paper:

1. The Real Estate Institute of WA “Australian Standard” Pre Purchase Inspection for Major Structural Defects Annexure is an extraordinarily complex Annexure which in the opinion of the Association is not always understood by the majority of stakeholders associated with the use of the annexure, including many Agents, Buyers and Sellers. This Position Paper only attempts to deal with one issue of this Annexure.
2. The focus of the Annexure is major structural defects on the residential Building. Sadly, the REIWA Annexure does not define “residential Building”.
3. The lack of definition of “residential Building” places inspectors, buyers and sellers with a very difficult task of determining if a major Structural defect is “on the residential building” or on a structure beyond the residential building.
4. The REIWA Clause is also in conflict with AS 4349.1 which requires the areas to be inspected to include: “The inspector shall inspect accessible parts of the building and appurtenances, together with relevant feature of the property within 30 m of the building and within the boundaries of the site, or as otherwise agreed in the inspection agreement”.
5. And further within AS 4349.1 Appendix A the purpose of the inspections is to provide advice to a prospective purchaser or other interested party regarding the condition of the structure of the property. With the Definition of Defects in Appendix A the types of defect to be considered are as described in Section 3. The presence or otherwise of defects shall only be relevant when such defects relate to the structural condition of the building.
6. AS 4349.1 does not define property or building.
7. It is possible for major structural defects to be identified on building structures beyond the residential building (i.e. sheds) or on structures (substantial retaining walls) which are not a component of the residential building.
8. The association has issued a Position Paper (13.2019 Pre Purchase Inspection Report Summary Table) which requires inspectors to define whether or not a Major Structural Defect is on the residential building or beyond the residential building.
9. Given 13,2019 Inspector Members require Guidance and assistance in determining the boundaries between residential Building and beyond residential building.
10. Inspector members require guidance in deterring is an identified major structural defect is on the residential building or beyond the residential building.

The Associations position is:

1. Member Building Inspector need to define whether or not a Major Structural Defect is on the Residential Building or beyond the residential building when producing a Pre Purchase Building Inspection in Accordance with AS 4349.1
2. Major defects within the following boundaries are considered to be on the residential building
 - a. Everything under the main roof even if added to post initial construction
 - b. Veranda constructed at the same time that the residential building was constructed
 - c. Standalone granny flats
 - d. Alfresco under main roof
 - e. Standalone structures containing habitable rooms in accordance with Building Approvals
 - f. Retaining walls directly associated with the foundations of the residential building
3. Major defects within the following boundaries are considered to be beyond the residential building
 - a. Patios & Pergolas
 - b. Gazebos
 - c. Carports
 - d. Sheds
 - e. Outhouses
 - f. Fences, retaining walls
 - g. Swimming pools
 - h. Garden walls
 - i. Decorative installations
 - j. Retaining walls not associated with the foundations of the residential building

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Committee
Inspect WA
April 2020