

Submission
No 19

**INQUIRY INTO REGULATION OF BUILDING
STANDARDS, BUILDING QUALITY AND BUILDING
DISPUTES**

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Partially
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It has not been surprising that issues relating to quality of construction have arisen, with concerns raised consistently over the last 10 years by professionals in relation to the private certification process and lack of supervision of builders and sub-contractors. Whether this issue is with private certification or not, changes need to occur to ensure the integrity of the process and the quality of construction. The proposed building commissioner may assist, however this appears to be purely window dressing rather than just solving the problem.

The proposed requirement for registration of structural engineers and building designers is supported, however the experience and qualification requirements should be high and strict to ensure quality design and construction outcomes.

There also needs to be greater attention paid to engineering in the approval and certification process. At the moment, engineers can certify their own drawings, and my experience with hydraulic engineers is that they are not always correct. In fact, when working for a local council within the Sydney basin, it was not unusual for over 90% of the stormwater engineering designs needing to be returned because the consultant did not understand the laws of gravity and the proposal was never going to work.

I strongly encourage that Councils should play a greater role in the certification and compliance process. While private certification is probably here to stay. Councils have the ability to greatly improve compliance over the process particularly with the funding and resourcing issues associated with the Building Professionals Building. If Council compliance officers had the same provisions to fine or undertake action against private certifiers, this would reduce delays in compliance and ensure issues are addressed before they get worse. It also addresses the community expectation that Councils should be doing more in this avenue.

Council compliance officers may still be responsible for reporting compliance actions to the BPB who could review or decide to take further action if the incident is warranted.

It is strongly recommended that structural engineering designs for buildings should be peer reviewed and certified by a separate structural engineer independent from the development process, not self assessed. An avenue to ensure independence would be again providing this role to Council whereby the developer is required to gain an engineering certificate prior to issue of construction certificate. This process, linked with the integrity process already required by council for compliance, as well as ensuring strict qualifications and experience requirements for structural engineers, would provide a higher level of confidence in the process.

This would obviously require Councils to hire structural engineers, however this could be offset by an appropriately set legislative fee for submission of engineering certificate applications.

I would anticipate that this provision would only be required for developments maybe townhouses or medium density and above. With dual occupancies and other low density development remaining as is.

However, it is again strongly recommended that the provisions relating to warranties and insurance should be strengthened and pressure should be put on the federal government to modify the corporations act so builders or developers cannot start phoenix companies in an attempt to cut from a responsibility or obligation to ensure quality construction and development.

In terms of warranties and insurance, while it is probably unrealistic for developers and builders to be required to provide lifetime structural warranties on apartments. This should be extended to 10 years, but a developer or builder should be responsible in perpetuity for any defect or structural issue which is found to be as a result of negligence, gross misconduct or to be of significant public risk, for instance the use of cladding which is highly flammable or failure to adequately water proof undermining the structural integrity of the building.