

**Submission
No 54**

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

Name: Mr Peter Hopper and Ms Sharon Lambert

Date Received: 24 July 2019

**Legislative Council
Public Accountability Committee
Inquiry Into the Regulation of Building Standards, Building Quality
and Building Disputes**

24 July 2019

Dear Committee,

We hope our experience dealing with the situation described below will help you formulate recommendations to solve at least some of the inherent problems preventing effective regulation of the building industry in NSW / Australia.

We live in a famous beachside suburb of Sydney.

In 2007 our 40 unit apartment building was supposed to, but didn't, get handrails fitted as part of its balcony glass structural balustrades upgrade works.

Our Chairman reported at the time:

“since the granting of our DA by ... Council, regulations have changed and glass balustrades can no longer be frameless.

One recent tenderer has alerted us to this change, pointing out that in some instances, ‘toughened glass panels will fail and disintegrate for no apparent reason’, suggesting that an ‘interlinking handrail is required to introduce a safety factor’.

Varying our requirements, would mean resubmitting our DA to ... Council, obtaining new tenders and raising an additional levy over the additional levy proposed above. All these matters are likely to take at least three months. We are advised that interlinking handrails could be fitted at a later date at an extra cost.”

Innocently this was accepted. But the required handrails were never

installed. And they still haven't been because efforts have been made to avoid them being installed.

So we still have unsafe, non-compliant balcony glass structural balustrades contrary to the Building Code of Australia (BCA) and Australian Standard (AS1288-2006). Despite our determined efforts - following a structured approach with a multitude of formal representations - we have so far failed to obtain the safe and compliant balustrades that are required.

And the reason it hasn't happened? Because those who don't want it to happen, or don't care to make it happen, are enabled by an apparent immunity to scrutiny, being allowed to exploit the failings of the regulatory process.

We have therefore been thorough and persistent in our attempt to eventually find an authority willing to resolve the safety/compliance issues with our balcony glass structural balustrades. We have so far addressed our concerns to:

- * Strata Committee
- * Managing Agent
- * Owners Corporation
- * Council (Compliance Officer, Senior Management, General Manager, & Mayor)

Worryingly, all the above representations have failed. And the issue has now been raised with our local State Member. We are dismayed that it has not been resolved already, and hope to find an authority willing to address the issues soon, but are prepared for many higher level representations if required.

It obviously shouldn't be like this. The average person would not go to these lengths and would give up without success. The fundamental problem is nobody is policing anything. Nobody with authority is saying, 'You're right. Don't worry, we'll enforce the regulations'. That is what is required.

We have fully documented our experience to-date (which involves far more 'intrigue' than is described above!), are in the process of producing a comprehensive Case Study of the ordeal, and would be happy to discuss the situation with the Committee.

Yours sincerely,

Peter Hopper, BE (Hons) (UTS/NSWIT) & Sharon Lambert CPA