

**Submission
No 68**

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

Organisation: Lake Macquarie City Council

Date Received: 26 July 2019



29 July 2019

The Hon David Shoebridge MLC
NSW Upper House Public Accountability Committee
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Shoebridge

Subject: Submission – Inquiry into the regulation of building standards, building quality and building disputes

In response to call for submissions regarding the above, Lake Macquarie City Council provides the following, identifying both industry concerns and recommended actions that may be considered by the Committee, as relative to the terms of reference.

Concerns:

1. Certifier is on site less than 1% of the entire time it takes to construct a building.
2. Certifier takes on 10 year liability for a project.
3. Certifier is often the last person standing on a building project in terms of having PI insurance and still being a legal entity, while the Development Companies (Phoenix Company) are able to be wound down and no longer exist, leaving Strata Owners and Certifiers to resolve conflict, i.e. Landmark Building located at Pacific Highway, Charlestown.
4. Certifier generally has the lowest fees on a building project.
5. Certification is politicised by the Governments, past and present. The initial, and most publicised, response to the Opal Tower has to blame the Certifier, rather than get to the root of the problem, i.e. inadequate supervision by Building Company and/or Structural Engineer.

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6. The Building Commission of NSW will not be adequately resourced in comparison to the equivalent organisations in Victoria and Queensland.

Recommended actions:

1. All persons involved in the Building/Construction industry need to be accredited so that responsibility is distributed across those specialists of their respective disciplines. At present only Accredited Certifiers (Council or External) need to be accredited. It is understood that in Queensland the Queensland Building and Construction Commission accredited 90,000 persons involved in the industry, excluding Architects and Engineers who are under a separate scheme.
2. Site Foreman/Clerk of Works needs to be accredited under a rigorous scheme. This is the individual who is on site regularly, coordinates the trades, inspections, witness points, hold points. At present, there is no accreditation of such person, nor is there a requirement for appropriate experience of such person relative to the scale and classification of works being undertaken.
3. Accredited Site Foreman/Clerk of Works must keep a log book of their attendance on site. A statutory minimum of time on site should be established on which the accredited Foreman should be present. In addition, the log should maintain details of all who attended site and what works they did. The log should be endorsed by the accredited Foreman at completion of the work.
4. Accredited Site Foreman/Clerk of Works/Building Company are to prepare the Building Manual for the property owner. The Building Manual remains an important measure identified in the previous Shergold Weir report but not yet implemented. The log book would be supplemental and critical to the thoroughness of the Building Manual.
5. Approval Documentation (Consent, CC/PCA agreement schedule, stamped approved plans) are to be kept on site at all times during construction hours.
6. Structural Engineers need to be accredited under a rigorous scheme. From what we understand, the problems with the Opal Tower and Mascot Tower relate to structural engineering issues. This is not an area where an Accredited Certifier has expertise in. Traditionally the Certifier will rely on a Structural Engineer to carry out regular inspections at specified hold points (i.e. prior to the pouring of concrete, prior to the fixing of wall and ceiling linings etc).
7. Engineering designs prepared by Accredited Engineers for development greater than three storeys or similar methodology must be peer reviewed by accredited engineer holding equivalent or higher level of accreditation under that scheme. Similarly, during construction verification of conformity sign off should be undertaken by independent accredited consultant.
8. Establish mandatory minimum fees for all certification projects. IPART can have a hand in setting fees along with relevant association bodies, i.e. AAC and AIBS. This is critical to ensure that certifiers do not engage or maintain a practice of undercutting one another at the detriment of the provision of service and certification rigour. Minimum fees will enable the certifying practice to ensure they are resourced sufficiently, inclusive of profit to attend site as often as required.

Lake Macquarie City Council appreciates the opportunity to provide comment and we trust the Committee will consider the matters raised above as constructive and of benefit to the examination of the subject matter.

Should you require further information, please contact me on _____ or by e-mail on _____

Yours faithfully

Greg Brook
Chief Building Surveyor
Development Assessment and Certification