

**Submission
No 121**

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

Name: Cr Murray Matson

Date Received: 30 July 2019

Monday 30th of June

Submission to NSW Parliament Public Accountability Committee inquiry into the regulation of building standards, building quality and building disputes.

By Randwick City Councillor Murray Matson

This submission addresses term of reference:

1(a) the role of private certification in protecting building standards, including:

- (i) conflicts of interest
- (ii) effectiveness of inspections
- (iii) accountability of private certifiers
- (iv) alternatives to private certifiers,

The current system of private accredited certification is failing residents living next door to development work in that conditions of consent are either not fully implemented or are delayed in implementation resulting in escalating impacts on those neighbours.

BACKGROUND

The household at 8 Helena, Randwick (at the time of writing) are experiencing ongoing stress from delays in the construction of a retaining wall as required in the conditions of consent for the ongoing development on the neighbouring site at number 10 Helena Street, Randwick.

A second issue is the failure (as of Sunday the 17th of June) to complete and link up a working stormwater system on the 10 Helena Street. This has resulted in the occupants of 8 Helena Street being required to call the SES to sandbag their property because of water inundation during the heavy rains over the weekend of the 15th and 16th of June.

I believe that this situation demonstrates a failure in the private accredited certifier system to adequately provide oversight of developments to the detriment of neighbouring residents .

In June Randwick City Council dealt with the issue of construction work at 10 Helena Street Randwick and resolved:

“That Council study the process that resulted in the deleterious impacts on the household at number 8 Helena Street from construction work at 10 Helena Street and report back to Councillors on the option of using this information as a case study in lobbying the NSW State Government and local MP’s for reforms to the accredited private certifier system.

Recommendations 5 to 7 of the Shergold/Weir report are pertinent to Randwick City Council’s interest in the 10 Helena issue.

“Recommendations 5 to 7 address the roles and responsibilities of regulators. We recommend a focus on collaboration between state and local government and (where applicable) private building surveyors to improve regulatory oversight. We also recommend the provision of broad powers to audit building work and take effective compliance and enforcement action. We recommend that each jurisdiction implement a proactive audit strategy for regulatory oversight of the Commercial building sector.”
(Peter Shergold & Bronwyn Weir, Feb 2018)

IMAGES

I attach images showing the negative impact on 8 Helena Street Randwick from the ongoing development work at 10 Helena Street where conditions of consent covering drainage and retaining wall requirements have been delayed in implementation.

RECOMMENDATIONS TO INQUIRY

I support those that call for an end to the current system of private accredited certification in NSW.

I urge the inquiry to consult Randwick City Council in reference to its resolution of June 2019 to use the events at 10 Helena Street Randwick as a case study of reforms needed in the accredited private certifier system.

I suggest that the Inquiry ask Mr Nick Shaloub to give input into the events that have unfolded at his mother’s property at 8 Helena Street Randwick as a result of the developments at both 6 Helena Street Randwick and 10 Helena Street Randwick.

In principal I support the call for greater oversight of “private building surveyors” recommendations 5 to 7 from the 2018 Shergold and Weir report as expressed below by the report’s authors.

“Addressing the roles and responsibilities of regulators. We recommend a focus on collaboration between state and local government and (where applicable) private building surveyors to improve regulatory oversight. We also recommend the provision of broad powers to audit building work and take effective compliance and enforcement action. We recommend that each jurisdiction implement a proactive audit strategy for regulatory oversight of the Commercial building sector.”